

**UNITED STATES DEPARTMENT OF COMMERCE**

**HIGHLY MIGRATORY SPECIES AND BILLFISH  
ADVISORY PANELS: JOINT MEETING**

Monday, March 16, 1998

1:30 p.m.

## PARTICIPANTS:

Jerry Abrams	Paul Raymond
Nelson Beideman	Rich Ruais
George Bell	Carl Safina
Ray Bogan	Mark Sampson
David Borden	Margo Schulze
Karyl Brewster-Geisz	Jerry Scott
Craig Brown	Bob Spaeth
George Burgess	Jill Stevenson
Sally Campen	Lori Svensson
Jose Campos	Mike Travis
Maumus Claverie	Steve Turner
Jean Cramer	Alan Weiss
John Dean	Peter Weiss
Jim Donofrio	David Wilmot
Jack Dunnigan	Bob Zales
Bob Eakes	Rachel Husted
Robert Fitzpatrick	Preston Pate
Sonja Fordham	John Graves
Jim Franesconi	Ron Held
Spencer Garrett	Eric Prince
Marsha Hass	Russell Dunn
Bob Hayes	Buck Sutter
Roger Hillhouse	Pat Scida
Russell Hudson	Phil Goodyear
Bob Hueter	Don Green
Pete Jensen	Gail Johnson
Mike Justen	Andrew Kemmerer
Joe Kimmel	Sari Kiraly
Rob Karmer	Liz Lauck
Rebecca Lent	Linda Lucas
Pamela Mace	Gary Matlock
Miriam McCall	Charlie Moore
Mark Murray-Brown	Russell Nelson
Ellen Peel	Ellen Pikitch
Joe Powers	Tom Putnam
Vince Pyle	

1 PROCEEDINGS

2 DR. LENT: This is the first joint meeting of the Billfish and Highly Migratory Species Advisory  
3 Panels and I know that Bobby's really excited about it. And we're going to try to have a joint meeting this  
4 time because we have a lot of generic issues and we think it's worthwhile to get the people together. And  
5 we've also got a lot of overlap between the two panels, so for our next meeting we'll probably have some  
6 separate or a little bit of overlap.

7 So last time we met was in Baltimore. Some of the parts of those meetings went well and some  
8 didn't go as well. We've gotten a lot of feedback from a lot of you and we want to thank you for that. We've  
9 made some changes that we think we're starting to address some of the issues that you brought up. Some of  
10 them have to do with technology.

11 You will notice we've got a public address system which we borrowed for now from the South  
12 Atlantic Fishery Management Council – sorry, Gulf of Mexico Fishery Management Council, thank you  
13 very much. We thank the South Atlantic Council, too. We also have an overhead projector system. We are  
14 going to be taping the meetings and then we'll give the tapes to a professional transcriber service and they are  
15 going to provide transcripts. You can purchase copies of the tapes or of the transcripts. It's going to be  
16 about \$75 a pop for the transcripts. We'll have a copy in our offices that you can consult and we'll bring a  
17 copy to the next AP meeting if you want to look at it. Very important that every single time you speak to  
18 state your name so that the transcriber can put your name and give you credit for what you said. And speak  
19 into a microphone and speak obviously (inaudible).

20 We also had a number of comments that, particularly for the HMS AP, the group (inaudible) some  
21 of the meetings where we have some contentious topics that we have a moderator, I'm happy to tell you that  
22 we have (inaudible) again because our facilitator for the (inaudible) Advisory -- oh, see, my name is Rebecca  
23 Lent, I'm speaking into a microphone. I already broke the rules. Okay, so Jack Dunnigan is going to be

1 helping us out in the next few days and we appreciate that.

2 There is a couple of big issues that I'm going ask Gary Matlock to speak on that have to do with  
3 guidelines and funding. But before I pass it over to Gary, I want to introduce -- we're going to introductions  
4 when Jack stands up. I want to make sure I have an opportunity to introduce -- it's a dangerous job -- Andy  
5 Kemmerer from the Southeast Regional Office and the Director -- the Regional Director of the Southeast.

6 MR. KEMMERER: And she promised me that we would not talk about red snapper today, so I can  
7 talk if that's all right.

8 DR. LENT: That's a promise. And Dr. Gary Matlock, who is the Director of the Office Stable  
9 Fisheries and Mariam McCall from General Counsel. So Jack, take it away.

10 MR. DUNNIGAN: Okay, thank you, Rebecca. I'd like to start off by doing a couple of sort of  
11 housekeeping and introductory matters. Let me ask first of all, do we have all of the members of the two  
12 APs sitting around the table? Are there any AP members that don't yet have a seat at the table?

13 A PARTICIPANT: There is one still not here.

14 MR. DUNNIGAN: Okay, when that person comes, we still have a couple of more seats down here  
15 and Sonja and Bob, if you are all -- Bob Hayes, if you are a little tight up there, one of you might want to  
16 move down here, too. There are two more coming and we have three seats. So we'll be all set.

17 I apologize for the make-up of the room. It's going to be a little bit hard for you folks down there  
18 to see all the folks down here, but this is what we have. We don't have access to the room next door, so  
19 we're going to have to try to make the best do of it as we can over the next two and one-half days. Let me  
20 thank you all for coming. We have a rather ambitious agenda to try to get through. Let me sort of set the  
21 stage as to where I understand we are.

22 The National Marine Fisheries Services has a responsibility under the Sustainable Fisheries Act or  
23 the Magnuson-Stevens Act to deal with fisheries management for highly migratory species along the Atlantic

1 Coast. And in that pace, the National Marine Fisheries Service operates pretty much as do Regional  
2 Fisheries Management Council.

3 Come on in. There are some seats down here and if you are a member of the panel, we've got a  
4 couple of seats here at the end for you.

5 So they have two fisheries management plan documents that they will be moving on the next  
6 couple of months on pretty much the same time-frame that the Regional Fisheries Councils will be moving  
7 their (inaudible) of the amendments. One deals with Billfish, the other one deals with all of the other HMS  
8 species. They are in a stage of their process where they have completed scoping and the next thing that they  
9 have to do is to prepare draft Fisheries Management plan document.

10 What we are here for over the next couple of days is in sort of a joint session. It's more of a  
11 workshop than it is a particular meeting of either of the two advisory panels. But to try to work together on  
12 as many common issues as we can so that the HMS staff has some more background and input that you can  
13 give them at this stage as to how they should go about drafting the two documents that they've got to get  
14 ready for public hearing.

15 Those documents will come back to the to APs before the public hearings are held. That's going to  
16 be the agenda for the next meeting, which as I understand it set for some time in May. But for now, the  
17 objective over the next couple of days is to listen to some presentations about general issues and the two big  
18 topics in each Fishery Management Plan that are important are the definition of over fishing and rebuilding  
19 strategies. Those are the two big issues that, right now, this week, they want you to work on. They want  
20 us to work on so that we can get them the kind of input that they ask.

21 So the format is going to be pretty much a general session of both panels meeting together. We  
22 don't have any specific time scheduled for the two panels to go aside and hold separate meetings during this  
23 session in Tampa this week.

1           Now the exception to that is that tomorrow afternoon from 11:00 until 1:00, there are break-out  
2 sessions that have been scheduled. So during those break-outs, and they are organized around a couple of  
3 different species groups, during those break-outs, panel members will have the opportunity to elect what  
4 session they want to go to. And it may be that the billfish people, if you all want to deal with -- just with  
5 billfish, will have an opportunity to meet more or less as an advisory panel at that time.

6           But except for that, we haven't scheduled any particular sessions or groupings for the two advisory  
7 panels to meet separately and deal with separate business at this meeting. That's not what we're here for.  
8 What we are here for is to listen and reflect back to the National Marine Fisheries Service about where we  
9 think they should be going as they draft these two documents which are going to be brought back to the two  
10 panels for review before they go to public hearing. That's the overall scope and sort of sets and structure of  
11 what this next two and one-half days is all about. Any questions about that before I go on?

12           Okay, so since we are meeting sort of as a group as a whole, panel members if you have something  
13 to say, raise your hand. I will try to call on you. All of the panel is equal to everybody else, except that you  
14 will find some of my bosses are sitting around in this panel and they are more equal than others. But except  
15 for that, the two panels are meeting jointly throughout.

16           Little more on housekeeping. We are starting here this afternoon about 1:15. We are going to go  
17 this evening until 5:30. And then pick up again tomorrow morning sharp. Sharp at 8:00. We have a lot we  
18 have to get done tomorrow. And we will proceed through a full day agenda tomorrow night, breaking up  
19 again at about 5:30. We have all day Wednesday scheduled as well. Whether or not, depending on how the  
20 speed and the mood of the meeting goes, it may be that we will be able to wrap up a couple of hours early. I  
21 wouldn't suggest to you, though, that I think we are going to be able quit early Wednesday morning. We are  
22 going to go well into Wednesday after noon, I think for sure.

23           So whether we go all the way until the 5:00 time that's been scheduled, I don't know. Maybe we'll

1 be able to wrap up early. Lunch tomorrow, lunch tomorrow is a working lunch. That's when the break-out  
2 meetings are going to be held. So what we have arranged for is for a series of box lunches to be made  
3 available for all of the people who are here. But you are going to have to pay for those. The box lunch is  
4 \$14. And what we're going to do this afternoon is pass around a list and you can sign up for the lunch, and  
5 then we'll collect that from you tomorrow.

6 But don't plan on having an opportunity tomorrow afternoon to head out and go to the Cast Away or  
7 do something like that or go play the sports trivia game at Harrigan's. It's going to be a working lunch that's  
8 going to carry you all the way through. So later on this afternoon, as I said, a list will be coming around for  
9 everybody that wants to sign up and we'll make sure the box lunches get brought in.

10 There is, tomorrow night, a public comment period. It's going to be held in this room and it's  
11 scheduled to start at 7:00. Apparently, there is some mix up and some folks thought it was going to be at  
12 6:00. It's in here tomorrow night at 7:00. There is no order of command here for advisory panel members to  
13 have to be there. But I would strongly urge you to be there and listen to those members of the public that  
14 have taken the opportunity to come and talk to us and present their views as to how highly migratory species  
15 and billfish (inaudible) ought to be developed over the next couple of months.

16 Microphones. You can hear it right now. Rustlings, papers, the microphones that are here courtesy  
17 of Gulf of Mexico Fishery Management Council are on your tables right here. They are very sensitive.  
18 They will pick up anybody in the room. They will pick up the whispers that you have in the back of the  
19 room. And those will end up on the tape and they become part of the public record. So I would, you know,  
20 caution you to be -- to be very careful and be aware of that. I mean, try to keep the rustling of the papers  
21 down. The tapping of the water mugs, keep that down so that not too much of this gets picked up and this  
22 will actually help facilitate us getting through the session over the next two and one-half days.

23 What we're going to do -- one of the comments that has come out of the earlier meetings was that

1 people wanted to have a better record. What we're going to try to do for this meeting, is to provide  
2 transcripts of the entire meeting and make them available. We are going to take the tapes. They are going to  
3 be sent out to a service and the service is going to type them straight out. So it will be to the best extent  
4 that they can, it will be verbatim. Now what that means is, you have to say your name before you talk.  
5 This is going to be like first grade again. You've got to say your name before you talk, otherwise, the  
6 transcribers, who are not here with us, are not going to be able to fully reflect who is speaking at any given  
7 time. So I will try to call on people and they will be able to pick it up from that. We are going to go  
8 around the table in a minute and let everybody introduce themselves so they'll have some chance to recognize  
9 your voice from that. But -- but whenever you speak, panel members, audience, whatever, say your name so  
10 that we have that on the record.

11 Now, my intention is to focus on the Advisory Panel in this joint meeting. We have a very busy  
12 schedule and a lot to do. If we have the opportunity towards the ends of some of these discussions to open it  
13 up for broader comments from the public, I'd be glad to do that. But we do have to make sure that we keep  
14 moving. We have to make sure that we get through all of the items that the National Marine Fisheries  
15 Service has asked us to look at and provide them input. So we'll be moving on ahead.

16 Now, let me say a little bit about myself and how I got here. As Rebecca said, my name is Jack  
17 Dunnigan. I work for the Atlantic States Marine Fisheries Commission. I am the Executive Director there.  
18 I have been since 1991. The -- my career has been in this business all along. I am a lawyer. I worked in the  
19 NOAA General Counsels office for many years. I worked in Washington for the National Marine Fisheries  
20 Service in constituent affairs and Congressional affairs. So I've got a fairly broad background. I've worked  
21 on both coasts and have addressed a lot of these issues over time.

22 We don't, at the Atlantic States Marine Fisheries Commission, do highly migratory species  
23 conservation and management. That's the prerogative and responsibility of the National Marine Fisheries



1 Service. We do a lot of other things. We're probably best-know for our fisheries management program, but  
2 we focus on coastal species. We focus on blue -- in bluefish that we do with the Mid-Atlantic Fishery  
3 Management Council. We focus on (inaudible) fish. We focus on striped bass. We are now making a major  
4 effort in lobster up in the gulf of Maine and in the Atlantic Ocean in the north. So we do a lot of fisheries  
5 management, but it's not particularly related to highly migratory species.

6 Another thing, my last little commercial here is for our statistics program. A major new initiative  
7 we've had in the last two years is this cooperative effort to bring all of the inter-jurisdictional players  
8 together, states, Feds, marine shore, off shore -- uh-huh, that was one of my bosses. On statistics, we are  
9 trying to get a unified statistics program for the entire Atlantic coast. Here David -- so -- so -- statistics, I  
10 know, are an issue for highly migratory species. And we are trying to work the requirements of HMS into  
11 this broad Atlantic Coastal Statistics Program that we call the ACCSP.

12 So those are the main issues that we're in. Now when I did this sort of function with the long line  
13 panel, I made a mistake early on of saying so I don't care about the results, and Carl Safina (phonetic) called  
14 me on that. He said we need to care. As a matter of fact, I do. I care about resources. I care about  
15 management processes working right. But what I want you to understand is that as ASMFC employee, we  
16 don't have a vested interest in the decisions that you make or that the National Marine Fisheries Service  
17 makes. So in that sense I think I am going to try to be as honest a broker and as open to all sides in these  
18 processes as I can.

19 I do have some biases, as I said, and I might as well put them right out there. I have a number of  
20 my bosses that sit around this table and as we go around in a couple of minutes, I'll make sure that I point  
21 out, just so that everybody knows who they are.

22 But that's who I am. I am impressed that there are a lot of people around this table that I've never  
23 met. So what I'm going to ask you to do right now is, we're going to start back on this end here and we're

1 going to go around. We have a lot of people, so we don't have time for more extensive backgrounds like I  
2 like to do sometimes, but if you could at least just state your name and where you're from and what your  
3 involvement in the industry is and we'll start with you, sir, down here.

4 MR. WEISS: Peter Weiss, general category (inaudible) association.

5 MR. DUNNIGAN: Thank you.

6 MR. EAKES: I'm Bob Eakes. I'm from North Carolina down around Outer Banks and we  
7 (inaudible).

8 MR. DUNNIGAN: Thank you, Bob.

9 MR. PATE: Preston Vadem, Director (inaudible) North Carolina.

10 MR. DUNNIGAN: And Preston is one of my bosses as the state director from North Carolina.  
11 Rachel?.

12 MS. HUSTED: Hi. I'm Rachel Husted with the Highly Migratory Species.

13 MR. DUNNIGAN: Thank you.

14 MR. BEIDEMAN: Nelson Beideman, Blue Water Fishermens Association.

15 MR. PYLE: Vince Pyle, Fishermens (inaudible), Fort Lauderdale.

16 MR. FITZPATRICK: Robert Fitzpatrick, (inaudible) America and a blue fin broker.

17 MR. RUAIS: Rich Ruais with East Coast Tuna Association.

18 DR. GRAVES: John Graves, Virginia Institute of Marine Science.

19 MS. HASS: Marsha Hass, South Atlantic Fishery Management Council.

20 MR. BORDEN: David Borden, New England Council, State Director from Rhode Island.

21 MR. DUNNIGAN: And David is the Vice Chairman of our Commission.

22 MR. WEISS: Alan Weiss, Mid-Atlantic Council.

23 MR. JENSEN: Pete Jensen, State of Maryland representing Mid-Atlantic Council.

1 MR. DUNNIGAN: Another boss of mine.

2 MR. HELD: Ron Held, member of the New England Fishery Council.

3 MS. PEEL: Ellen Peel, Billfish Foundation.

4 MR. HAYES: Bob Hayes and I'm the General Counsel of Coastal Conservation Association.

5 MR. HUETER: Bob Hueter, (inaudible) Marine Laboratory.

6 MS. FORDHAM: Sonja Fordham, Center for Marine Conversation.

7 MR. NELSON: Russell Nelson, Director of (inaudible) Fisheries Commission. We represent the

8 South Atlantic Council of (inaudible).

9 MR. DUNNIGAN: And Russ also does a lot of business, although DEP is our member, we

10 obviously work closely with the Commission.

11 MS. LUCAS: Linda Lucas, Eckerd College.

12 MR. HUDSON: Russell Hudson, consultant for the Directed Chart Industry.

13 MR. COMPOS: Jose Compos, (inaudible) Fishery (inaudible) Council.

14 MR. KRAMER: Rob Kramer with the Florida Department of Environmental Protection.

15 MR. FRANCESCONI: Jim Francesconi with the North Carolina Division of Marine Fisheries.

16 MR. DONOFRIO: Jim Donofrio, Recreational Fishing Alliance.

17 MR. BOGAN: Ray Bogan, United Boat (inaudible) with New Jersey and New York.

18 MR. SAFINA: Carl Safina, National Audubon Society.

19 MR. WILMOT: David Wilmot, Ocean Wildlife Campaign.

20 MR. DEAN: John Dean, University of South Carolina.

21 MR. ZALES: I'm Bob Zales, II, Panama City, Florida, President of the Panama City Boat Owners

22 Association.

23 MR. PUTNAM: Tom Putnam sitting in for Ron Whitaker, retail (inaudible).

1           MR. SAMPSON: Mark Sampson, Ocean City, Maryland, Ocean City Charter Boat Captains  
2   Associations.

3           MR. KEMMERER: Andy Kemmerer, National Marine Fisheries Service, Regional Administrator,  
4   and I'm located here in St. Petersburg.

5           MR. MATLOCK: I'm Gary Matlock and I have laryngitis again. Last time I saw the AP I had the  
6   same situation. I don't know whether it's the AP or just me. But nonetheless, I have laryngitis. And I work  
7   for NMFS in the Office of Sustainable Fisheries.

8           MS. McCALL: I'm Mariam McCall with the NOAA Office of General Counsel for Fisheries.

9           MS. STEVENSON: I'm Jill Stevenson and I work in the Highly Migratory (inaudible).

10          MS. LAUCK: I'm Liz Lauck, I also work in HMS.

11          MS. SCHULZE: I'm Margo Schulze, also HMS in Silver Spring.

12          DR. TURNER: Steve Turner, National Marine Fisheries Service, Miami.

13          MS. CRAMER: Jean Cramer, National Marine Fisheries, Miami.

14          MR. KIMMEL: Joe Kimmel, National Marine Fisheries Service, Southeast Regional Office.

15          A PARTICIPANT: (inaudible) HMS (inaudible).

16          MR. BROWN: Craig Brown, National Marine Fisheries Service, Miami.

17          DR. PRINCE: Eric Prince, National Marine Fisheries Service (inaudible).

18          MR. BELL: George Bell, National Marine Fisheries Office of Enforcement in Bedford,  
19   Massachusetts.

20          MR. GARRETT: I'm Spencer Garrett, Director of the National Seafood Inspection Laboratory in  
21   Pascagoula and I'm with OSM.

22          MR. JUSTEN: I'm Mike Justen, I'm with the National Marine Fisheries Service, St. Petersburg,  
23   Florida.

1 MR. DON: I'm Russell Don with the Ocean Wildlife Campaign.

2 MR. BURGESS: George Burgess, University of Florida.

3 MR. DUNNIGAN: Set the standards up here.

4 DR. SCOTT: I'm Jerry Scott of the Southeast Fisheries Science Center in Miami.

5 DR. POWERS: I'm Joe Powers (inaudible).

6 MR. MURRAY-BROWN: Mark Murray-Brown, (inaudible) Boston, Massachusetts.

7 MR. SUTTER: Buck Sutter, National Marine Fisheries Service, HMS in St. Petersburg.

8 MR. SHEEDA: Pat Sheeda, National Marine Fisheries Service, HMS in (inaudible).

9 MR. GOODYEAR: Bill Goodyear, consultant, Billfish Foundation.

10 MS. CAMPEN: Sally Campen, Japan Tuna Association.

11 DR. PIKITCH: Ellen Pikitch, Wildlife Conservation Society.

12 MS. SVENSSON: Lori Svensson, Cape Quality Bluefin, Bluefin dealer.

13 MR. HILLHOUSE: Roger Hillhouse, (inaudible) Fishing.

14 MR. TRAVIS: Michael Travis, National Marine Fisheries Service, St. Petersburg.

15 (Inaudible.)

16 MR. GREEN: Don Green with (inaudible) News, Texas.

17 MS. KIRALY: Sari Kiraly, HMS Division, Silver Spring.

18 MS. BREWSTER-GEISZ: Karyl Brewster-Geisz, HMS, Silver Spring.

19 DR. MACE: Pamela Mace, National Marine Fisheries Service, Woods Hole.

20 MR. DUNNIGAN: Thank you. And for those of you I've not seen in quite some time, there are a

21 couple, it's nice to see you all again and good to be here.

22 MR. MOORE: Jack --

23 MR. DUNNIGAN: Sir? Oh, I'm sorry.

1 MR. MOORE: Charlie Moore, South Carolina Department of Natural Resources.

2 MR. DUNNIGAN: Which is also one of our state agencies. The reason I'm here is because the  
3 Atlantic States Marine Fisheries Commission has a contract with the National Marine Fisheries Service to  
4 assist in the implementation of a number of the tasks that were included in the sustainable fisheries act.  
5 There is a lot of business in there that is of mutual interest to the state, as well as to the National Marine  
6 Fisheries Service, even though the Commission, per se, doesn't manage HMS, it's pretty clear that our state  
7 members, just by their presence around the table, obviously, have a significant interest.

8 So this fits under the terms of that contract and so I am here as a contractor serving as staff to the  
9 National Marine Fisheries Service. And Liz Lauck is also on our staff. We've been involved in a number of  
10 these things. This is the first time I've had the chance to be in a Billfish HMS meeting within scheduling  
11 conflicts before. I've always said that I was glad that the National Marine Fisheries Service had the  
12 responsibility for HMS. But this is a little bit of a new experience for me and I hope if at time it feels like I  
13 don't know what I'm doing, that you will bear with me and give me a little bit of the benefit of the doubt.

14 Thank you all for coming. It is good to be here. And if there aren't any other questions, we are  
15 ready to go onto the agenda. The first item --

16 A PARTICIPANT: One question. (Inaudible) noted that he is substituting for somebody else and  
17 I'm wondering if there are any other substitutes for AP members?

18 MR. DUNNIGAN: Good question. Are there other substitutes around the table? Proxies for AP  
19 members? Yes, sir?

20 A PARTICIPANT: I'm substituting for Chris Culkin.

21 MR. DUNNIGAN: Okay, thank you.

22 MR. PYLE: I'm substituting for Stevie Loga.

23 MR. DUNNIGAN: Vince is here for Steve Loga. Anybody else? Okay.

1           A PARTICIPANT: Bob Spaeth is still missing, but he's a normal AP member. He is supposed to  
2 be here shortly.

3           MR. DUNNIGAN: Yeah, he was -- I thought he was just outside here a little while ago. Yeah.  
4 Okay.

5           A PARTICIPANT: Gail Johnson.

6           MR. DUNNIGAN: Gail Johnson is coming as well. Any others that we know that are coming that  
7 aren't here yet? Okay. Well, as you see them come in, Pat, if you could just sort of direct them back down  
8 here and we'll get them a spot.

9           Okay, the first item on the agenda is to hear -- actually, it's sort of a preliminary item that might  
10 not be there. We're going to ask the director of the Office of Sustainable Fisheries if he can talk. Boy, how  
11 people have wanted to get Gary in this position for years. To give us an update on where the National  
12 Marine Fisheries Service is with the guidelines, the new national standard guidelines under SA and also issues  
13 of funding of the activities of the advisory panel. So -- here.

14          MR. MATLOCK: Thank you very much. If you can't hear me in the back, raise your hand or  
15 waiver or something -- it's okay? Fine. Couple of things I wanted to do is check or indicate (inaudible) is I  
16 wanted to talk just a bit about the AP and again, it's role and how we trying to respond to issues of concerns  
17 that come up as we proceed through the process of dealing with having to have created to APs to work on  
18 FMPs. They have to be done by the end of this September.

19          The first thing, though, to address is the funding for your travel. We have been working ever since  
20 the APs were created, to get authority and the money to pay for your travel. We have not yet accomplished  
21 that, but I think that we probably will. We are going to continue working on it while you are here this week  
22 and if we succeed this week, we ought to be able to pay actually for the travel for many, if not all of you,  
23 who are here this week. And in the future, (inaudible) as they come up. I'm very optimistic we're going to

1     succeed at that. We haven't gotten there yet. We just have to keep struggling with it.

2             The second thing is that in the course of the last three meetings, I guess it is, and maybe four that  
3     the APs have had when you combine the Billfish and the HMS, there have been a lot of comments, a lot of  
4     concerns, a lot of discussion, a lot of issues raised about the way the AP is working. About what it's role is.  
5     And I wanted to take a moment to address that very clearly, if I can, so that there is no misunderstanding  
6     about what it is that we are asking you to do. What kinds of authorities there are and that type of thing. And  
7     the fact -- and to respond to the fact that we are listening to what you have to say relative to how the  
8     meetings are going and what your concerns are.

9             The first is to tell you again that the APs are just that. They are advisory panels. They are not  
10    councils. They are not entities that, by the nature of your actions that you may take, the Federal government  
11    is required to do anything about. There is not requirement. There is no action that we have to actually  
12    implement because you, the AP, decide you want us to do something.

13            That does not mean, however, that what you tell us is not very, very important because it is. It is  
14    important from the standpoint of advice. We can listen to each and every one of you as individuals and we  
15    do. As you well know, a lot, all the time. And we can get your views as individuals. We collect the  
16    information you have to give us. We get your comments. We get all the things you can offer as individuals.  
17    But we cannot get from you what you believe, or what you feel or what you think or what kinds of  
18    information you can provide that you can give to us as a group.

19            That's why the advisory panels have, within their operations, at least a desire to get a consensus on  
20    whatever kind of information or action you think should be taken to the maximum extent that you can. Now  
21    consensus is not a vote. Votes don't matter. They don't mean, frankly, anything at all, to be very honest  
22    with you. What matters is getting information from you as a group that has behind it the best kind of  
23    information that you can provide. Not just what your opinion is. Not just what you as an individual think.



1 But more, what does the group have to offer us in terms of advice and substantive information to support that  
2 advice.

3 So we are trying our best to respond to all the criticisms. All the concerns that people raise by  
4 doing things like hiring Jack Dunnigan to come in and facilitate so that we don't end up in a position where  
5 people think or believe or view the service as trying to get you to some point that you don't want to get to.  
6 We are not trying to ramrod anything down your throat except a schedule. And we're doing that because  
7 Congress gave it to us. We didn't give it to them. And all we're doing is relaying it to you.

8 We are not trying to create a position that we think you should take or that we want you to take.  
9 We are trying our best to get from you what it is you think, again, as a group. So we've hired Jack to come  
10 into facilitate. To get as much distance between the Service and the APs as we can in the development of  
11 whatever you have to tell us as a group. It's important we have a lot of people participating in a meeting.  
12 Trying to come up with some sort of outcome. That the meetings run in some sort of orderly fashion. And  
13 that people who have something to say, get a chance to say it. Get a chance to say it with respect and with  
14 dignity by the people that are listening to it.

15 And that it goes into the mix in terms of what the panel ends up telling us they think should or  
16 should not be done. So we have begun this process of recording all of the meetings that we'll have in the  
17 future. We'll get them transcribed. If we end up with complaints and comments about that process, then  
18 we'll try another one. We may get a court reporter in here to sit and make it even more arduous and more  
19 organized so that we don't get accused, in any way at all, of people complaining that we're trying to generate  
20 something that you as a group didn't say.

21 It is not our intent, nor desire to do that. And we'll go to every length we can think to make sure  
22 that that does not happen. So we've begun that process now. Hired some people, got some equipment, we'll  
23 try this. If it doesn't work and people keep complaining, we'll try something else. But we're going to make

1     this system work because we've been told by Congress to do that. We want you to help us do it. And if you  
2     have a suggestion on how we can do it better, we're more than willing to receive those and try to change and  
3     do it better. We don't have all the answers but we're sure willing to try. As much as we can to make this  
4     thing produce something that's worthwhile at the end.

5             Having said all that stuff, now, I'd like to address the national standard guidelines because they are so  
6     critical to what you are doing in the time-frames that we have with which to work. You may recall that the  
7     guidelines were published as proposed guidelines back in August of 1997. They were out for about 45 days,  
8     if I remember correctly, for comments. We received comments. Among them were that we should extend the  
9     comment period and that's not unusual. Every time we do a proposed rule, we get requests to extend the  
10    comment period.

11            We went through all the comments that we had. And after looking at them very carefully, decided,  
12    in fact, that we should re-open the comment period. So we did that in December. We did it for 30 days. We,  
13    of course, got complaints that we didn't open it long enough. We got requests to extend the comment period  
14    from January the 28th, when it closed. We have not extended that comment period and we don't intend to at  
15    this point.

16            January 28th is about a month ago. And we have been reviewing the comments we received, of  
17    which, there was some 34 or 36, somewhere around that, letters with very substantive kinds of things to say.  
18    We are going through all those comments and developing responses and changes to the rules that we think  
19    should be made now. We are very optimistic that we'll get through that process and get a final rule out on  
20    the street for the guidelines within about the next month.

21            We are pretty much on target in terms of meeting that schedule. Whether or not we will get there,  
22    though is dependent in part, on OMB. Because OMB has declared these guidelines to be significant. What  
23    that means in terms of deadlines is that everything just got slowed down. Because they have to go through

1     what we're doing and make determinations about the rules and about the actions that we're proposing and the  
2     effects that they might have before we can actually get them published as a final rule in the Federal Register.

3             OMB looked at some material that we gave them in the initial stages on the proposed guidelines and  
4     I'm not certain at this point what they will do relative to the final guidelines as we work our way through the  
5     process of getting those reviews done and getting them out. But whatever they do, frankly, I'm optimistic  
6     that we will still get them out on the street within about a month.

7             The comments, as I said, were very substantive. There were a lot of them and they require a great  
8     deal of thought, frankly, in trying to develop responses and possible changes to the guidelines themselves.  
9     What I've been asked in many different forum, relative to them, is how can people be expected to get the  
10    work done they have to do in the absence of those guidelines. And the answer has been very consistently  
11    really very simple. And it is (a) that the guidelines don't have any force and effect of law. They don't require  
12    you to do anything. What they do is to give you, hopefully, some further information on how we, the  
13    government, interpret the standard -- the national standards for people developing the FMPs to use in their  
14    development process.

15            A lack of those guidelines -- revised guidelines, in fact, because there are guidelines now on --  
16    already published and in effect, the lack of those revised guidelines does not nor should it stop you from doing  
17    anything. Because the law exists. You can read it as well as we can. Mariam McCall is here for some  
18    advice on what it says whenever there is a question.

19            And that -- between the law itself, the written document, and that advice that's available, you should  
20    be able to develop for us, even in the absence of those, especially given that you know what our thinking is  
21    in the proposed guidelines, some idea about how we should deal with things like over fishing and rebuilding.  
22    Which is the two areas that we received most of the comments on in the proposed stage.

23            Now there are, as you know, 10 guidelines and they deal with a lot of different things. Not just over

1 fishing and rebuilt, but there is enough information in the law still, again, to give people some idea about  
2 what kinds of things are acceptable and what kinds of things are not. So, even though we are still probably a  
3 month away, it should not impact you in terms of making your best guess or best shot at giving us advice  
4 on what you think we should do relative to these FMPs or HMS in the Atlantic.

5 With that, I'm going to stop. Let me see, Jack, do you want me to do a couple of questions? I  
6 don't want to delay you very long, but I'll try to do what I can. Nelson?

7 MR. BEIDEMAN: Nelson Beideman, Blue Water Fishermens Association. As the single  
8 commercial representative on the Billfish Advisory Panel from last meeting, I submitted a minority  
9 statement. Now, it's my understand that minority statements would be attached and go along with the record  
10 of the meeting. And to my knowledge, that has not occurred. The minority statement has not been sent out  
11 to the rest of the AC members.

12 MR. MATLOCK: I don't know the status of it, Nelson. Let me get some help from Rebecca.

13 DR. LENT: With all the feedback that we got from the meetings, what we are trying to do is  
14 collate all that and have a packet that we would have a copy available for everybody to look at.

15 A PARTICIPANT: And there are three copies outside on the table. Nelson, that is part of the  
16 official record of the meeting. And there are copies of Nelson's letter and of other letters that we've received  
17 about the last meeting in black binders out on the table outside.

18 MR. MATLOCK: Other questions?

19 MR. RUAIS: Yeah. Rich Ruais, you mentioned that OMB has determined that the guidelines are  
20 significant. Is that a recent thing that's going to have an impact upon the estimated amount of time before  
21 the final guidelines that we've heard a week ago from Charlie and Charlotte?

22 MR. MATLOCK: You know, it's not recent. It was done whenever we did the proposed guidelines.  
23 And that's significant relative to Executive Order 12866, I think. That's already been done and we've moved

1 through the process as we have to date, even though that has occurred.

2 MR. RUAIS: So the four to six weeks that we were hearing in Charlotte is still a reasonable  
3 estimate?

4 MR. MATLOCK: Yes. With what we know as of today. And yes. Other questions? If not,  
5 again, thank you very much. We are going to try to make this thing work. That's the best that I can tell  
6 you. We will do everything we can to accomplish that as we progress through time. Thank you.

7 MR. DUNNIGAN: Very good. Thank you. Couple of points, before we go on. First of all, thank  
8 you, Nelson and Rich for making sure you stated your names. That was well done. And, again, let me re-  
9 emphasize that for everybody. As we get going here, make sure you say your name for the record. That --  
10 the way that the agenda is structured, this afternoon is our opportunity to talk about over fishing. So that's  
11 going to be the general focus of all of our presentations is over fishing.

12 Tomorrow, we're going to be focusing on issues having to do with rebuilding schedules. And then  
13 Wednesday agenda picks up a lot of other issues that the National Marine Fisheries Service is going to have  
14 to deal with in the next two months. That they have asked you to give some consideration to and get some  
15 advice back. So as we proceed through the rest of the afternoon, we'll be focusing today on questions of over  
16 fishing.

17 Now, one other housekeeping thing before we go into Rebecca's presentation. Apparently --  
18 apparently we do have access to this next room. Right? So, well -- be ready at 3:30 when we take our break.  
19 We're going to ask everybody to leave. And if we do have that, we're going to try to rearrange to get us a  
20 little bit more space. If it doesn't work, then it won't, but be ready at 3:30. I will tell you whether or not I  
21 want everybody out of here so that we can move. Okay, first presentation on the agenda this afternoon,  
22 talking about objectives, is Dr. Lent. You're on.

23 DR. LENT: We've already talked about objectives briefly when we were going over the

1 issues/options paper last Fall and you all should have received in your packet of information (inaudible)  
2 carefully, I'm sure, that portion of the issues/options paper that summarized some of the objectives that we  
3 have already in place. Either in some of our FMPs or in some of the rule making. Or in case of Bluefin --  
4 you've already gotten those ahead of time, so I'm not going to go through them.

5 I also wanted to point out that we participated, as we always do, in the day of (inaudible) at the  
6 (inaudible) and we asked the participants there, mostly commercial (inaudible) fishermen, to think about some  
7 objectives, both generic as well as those specific to bluefin. I've sent you a summary of that as well, just for  
8 your own information.

9 What I'd like to do is ask Jack to come back up here because (inaudible) and lead us through a  
10 discussion. What we'd like to do is get agreement on one or two or maybe three or four generic objectives  
11 that we feel comfortable might apply to all HMS fisheries. Then focus on some specific ones that the  
12 Billfish FMPs. Specific ones for the HMS, FMP and as time allows and as discussion goes on, perhaps a  
13 couple of generic ones from species within the HMS (inaudible).

14 One of the things that I wanted to mention is that we are getting a word by word summary through  
15 the transcript. With the overhead projector system, we are trying to write a summary as we go. Put  
16 proposals, topics, series and consensus up on the screen as the discussions (inaudible) this is the way it  
17 works at the council. It seems to work quite well. And if we get agreement on a couple of generic  
18 objectives, we'll all be here when they write it and you won't be surprise when you get the summary later on.  
19 In fact, we might even be able to print something out for you by tomorrow morning. So, Jack, as the  
20 discussion goes on, let's make sure that it's on the screen and we get everything down. Thanks.

21 MR. DUNNIGAN: Okay, we're going -- what we're going to do here is almost a -- almost a  
22 (inaudible). Let's see how this works. What we want to do here is almost a brain-storming kind of an  
23 exercise. Where we are trying to focus on issues that will be objectives. Objectives that are relevant to both

1 fishery management plans as well as objectives that would be relevant to individual plans, to HMS or  
2 Billfishes.

3 As Rebecca has said, you have in front of you the work that has been done so far. And what I would  
4 like to do at this stage, essentially, is just open this up for some general comment or suggestions. Focusing  
5 first on issues that you think are relevant to both FMPs. Both documents. What is it that you folks, as  
6 advisors to the National and Fisheries Service, believe ought to be articulated, stated and adopted as objectives  
7 that would be relevant to both plans? Working from what the National Marine Fisheries Services has  
8 prepared so far. And I'm just going to call on people as you raise your hand. Keep them sort of short and  
9 let's see what we can get up on the board. Who wants to go first? He we go. We can see better. I can still  
10 see you. Bob?

11 MR. ZALES: Bob Zales, and this may be the wrong point to put this in there, but the Gulf of  
12 Mexico Fishery Management Council is considering now limited entry in the for-hire business. And it  
13 would seem to me that because of what I understand (inaudible) legal ramifications, I would envision for-hire  
14 (inaudible) would be kind of an umbrella blanket type thing. And whatever fishery you would play with  
15 would come underneath there.

16 So, if that's the case, because the Council don't have authority over HMS and Billfish, that there  
17 may be something to look at in these plans to do a blanket thing for limited entry. Only primarily because  
18 (inaudible) to limit that number currently so that it doesn't balloon out and then eliminate (inaudible) board.  
19 I'm not advocating limited entry. I'm not saying it's good or not good, I'm saying it needs to be out there for  
20 discussion. Or and then it could be for (inaudible) people in there.

21 MR. DUNNIGAN: Okay. You think that ought to be an objective of the program?

22 MR. ZALES: I think it should be -- yeah, an objective. That makes (inaudible).

23 MR. DUNNIGAN: Okay. Okay. Let's -- without being -- now we don't want to be critical.

1     Brainstorming exercise. We are just getting ideas up there. Limited entry for the (inaudible). Okay, reduced  
2     (inaudible) mortality. Other objectives that you think would be common to both fishery management plans?

3             MR. WILMOT: David Wilmot, prevent or (inaudible) fishing.

4             MR. DUNNIGAN: Prevent or (inaudible) fishing. Thank you.

5             MR. EAKES: Jack?

6             MR. DUNNIGAN: Yes, sir?

7             MR. EAKES: Bob Eakes.

8             MR. DUNNIGAN: Yeah, Bob.

9             MR. EAKES: I'd like to see back hedge and discards placed back against quotas.

10            MR. DUNNIGAN: Okay. And body catch towards quotas. Ellen?

11            A PARTICIPANT: Rebuild (inaudible) fish stocks.

12            MR. DUNNIGAN: Okay. Rebuild over fish stocks.

13            A PARTICIPANT: Go on back up there, would you because discounts -- (inaudible) towards quota -  
14     - is that slash bag limits or are you just going to do it on a quota.

15            MR. DUNNIGAN: Is that bag limits, as well. Bob Eakes is that yours?

16            MR. EAKES: I don't know what the definition of bag limits is so that sort of slowed me down a  
17     little bit. Another thing I'd like to add is discards placed against quotas.

18            MR. DUNNIGAN: Do you want to add --

19            (End of Tape 1, Side A.)

20            MR. DUNNIGAN: Real quick -- Bob -- state -- what does that mean?

21            A PARTICIPANT: As I understand it, that quotas, bag limit is in lieu of a quota. It's the same  
22     thing and they somehow (inaudible) to come up with bag limits. So if you're going to count towards  
23     discards -- discards against quota, then you'd probably ought to catch a bag -- against bag limits, because what



1 are bag limits if they aren't some kind of quota on the catch.

2 MR. DUNNIGAN: Okay. Marsha?

3 MS. HASS: I'm not sure that's a correct statement. I think there is a recreational quota and bag  
4 limits come under that quota. They can be counted against quota on either sector -- commercial or recreational.  
5 It doesn't count against bag limits, it counts against a quota.

6 A PARTICIPANT: But is a quota when they take -- they don't use the words recreational quota.  
7 I've never seen it.

8 MS. HASS: We certainly do. In the South Atlantic, we certainly use the recreational tuck and the  
9 commercial tuck.

10 A PARTICIPANT: Against the tuck then (inaudible).

11 MR. DUNNIGAN: Nelson?

12 MR. BEIDEMAN: Nelson Beideman, Blue Water Fishermens Association. Jack, do you want  
13 discussion as we go here?

14 MR. DUNNIGAN: I want clarification right now. What I'm trying to do is to get as much up on  
15 the table for Rebecca and her staff to have to deal with as we can give to them. Once we get some things up  
16 on the table, then we'll take some time to talk about them.

17 MR. BEIDEMAN: Well, if we're working, you know, on the idea of generic --

18 MR. DUNNIGAN: Yes?

19 A PARTICIPANT: Then the first point I would change to monitor and prevent over capitalization  
20 in HMS fisheries.

21 MR. DUNNIGAN: Okay.

22 A PARTICIPANT: And I would add another one out here for the main forum at -- to implement  
23 domestic regulations consistent with ICCAT recommendations for controlling Atlantic-wide fishing

1 mortality.

2 MR. DUNNIGAN: Implement domestic regulations --

3 A PARTICIPANT: Consistent with ICCAT recommendations for controlling Atlantic-wide fishing  
4 mortality.

5 MR. DUNNIGAN: Okay.

6 MR. CAMPOS: Jose Campos. Reduce conflict between user groups.

7 A PARTICIPANT: We're off to a good start.

8 MR. DUNNIGAN: Here we go, we want to reduce conflict between user groups. All right, now,  
9 I've got Alan Weiss and then Rich Ruais and then Mau Claverie and then Bob Zales.

10 MR. WEISS: Thank you. Alan Weiss. What I would suggest, and which it surprises me,  
11 somewhat, that the fishery service hasn't done yet, apparently, is that a number of objectives which would be  
12 generic to -- to the multitude of fisheries that are contained in these two FMPs would be things that are --  
13 that are requirements in the Magnuson-Stevens Fishery Conservation and Management Act.

14 And it seems that it would be a constructive starting point when we are talking about generalities to  
15 just lift the -- the pertinent points from the law and put those before us because, first of all, they are a damn  
16 good starting point. And second of all, it helps to stake out the territory of what there is for us to talk about.  
17 Because it's pretty futile for us to try to recommend things that may not be permissible or allowable in the  
18 context of the law.

19 MR. DUNNIGAN: So, put that in eight words.

20 MR. WEISS: I'll get back to you.

21 MR. DUNNIGAN: No -- how about reflect requirements of Magnuson-Stevens Act.

22 MR. WEISS: Yes.

23 MR. DUNNIGAN: Okay. Reflect requirements of Magnuson-Stevens Act. Rich Ruais?

1           MR. RUAIS: Yes. I would -- back on that discard one include an objective that any HMS FMP  
2   avoid any measures that disadvantage U.S. fisherman. Sort of focus on what Alan was suggesting in relation  
3   to foreign -- in relation to international recreational and commercial competitors. And I'd also add -- throw a  
4   second one out there that one of the objectives should be to seek the largest possible share for U.S. fishermen  
5   of any international allocation or TAC of HMS species. Seek the largest possible share for all U.S.  
6   fishermen of any ICCAT approved allocation or whatever the international (inaudible).

7           MR. DUNNIGAN: Okay.

8           MR. RUAIS: Recognizing that that's how you protect most of the resources, given that our  
9   programs are more substantial.

10          MR. DUNNIGAN: Okay. Maumus Claverie?

11          MR. CLAVERIE: Maumus Claverie, Gulf Council. Back to discards, I would suggest that you  
12   introduce mortality into that. I don't know what a discard is, but if it's a fish that's thrown back live, that  
13   shouldn't count against the quota. And since 90 or so percent of the recreational discards are alive, you would  
14   either have to vastly increase the recreational quota, which may not look good internationally, or the  
15   recreational fishermen couldn't leave the dock.

16          MR. DUNNIGAN: Okay. Eight words.

17          MR. CLAVERIE: Add in -- where is that?

18          MR. DUNNIGAN: I'm trying to -- I'm trying to make them stand alone.

19          MR. CLAVERIE: Well, I just want to adjust the one that's up there.

20          MR. DUNNIGAN: Well, maybe the person that put it there, didn't want it adjusted. So what we  
21   want you to do is we want you to add. Add ideas that are here. We're going to come back and talk about it.

22          MR. CLAVERIE: I haven't counted the words.

23          MR. DUNNIGAN: Well --

1 MR. CLAVERIE: If discards are counted against quota, only count mortality.

2 A PARTICIPANT: How about counting dead discards against it.

3 MR. CLAVERIE: Only.

4 MR. DUNNIGAN: Yes. Yes. Count dead discards --

5 MR. CLAVERIE: Well, no, mortality because we are investigating whether or not the fish die

6 later. They may be discarded live and die later. So you want to get mortality in there.

7 MR. DUNNIGAN: Okay. We've got Bob --

8 MR. CLAVERIE: And I agree that we ought to follow the exact language in the Magnuson Act

9 because if we come up off the top of our heads with something that's a little bit different, a comma may

10 make a big difference.

11 MR. DUNNIGAN: Okay.

12 MR. CLAVERIE: There is a lot of words in here and sentences in here that should be adjusted to be

13 exactly what the Magnuson Act says.

14 MR. DUNNIGAN: Bob Zales, Ray Bogan and Charlie Moore.

15 MR. ZALES: Bob Zales. Consider by-catch quotas as a mean of by-catch reduction.

16 MR. DUNNIGAN: Consider by-catch quotas as a means of by-catch reduction. Thank you. Ray?

17 MR. BOGAN: Determine appropriate time-frames for rebuilding strategies for each species.

18 A PARTICIPANT: Ray Bogan, say your name.

19 MR. BOGAN: Ray Bogan.

20 MR. DUNNIGAN: Could you repeat that, Ray?

21 MR. BOGAN: Sure determine appropriate times frames for rebuilding strategies for each species.

22 MR. DUNNIGAN: Charlie Moore?

23 MR. MOORE: Charlie Moore. Reduce the mortality of unavoidable by-catch.

1 MR. DUNNIGAN: Reduce the mortality of unavoidable by-catch. What I notice when we are  
2 going around the table is that some of the mikes pick up better than others. Okay, so everybody speak up.  
3 Yes, sir? Okay.

4 A PARTICIPANT: He just addressed it.

5 MR. DUNNIGAN: Oh, okay.

6 MR. FRANCESCONI: Jim Francesconi. Pursue increase in confidence in by-catch estimates for all  
7 (inaudible) and all fisheries.

8 MR. DUNNIGAN: What I'm doing right now is looking for folks that have not jumped in. I see a  
9 couple of hands coming in for a second time but I want to give everybody a shot at it. Carl Safina?

10 MR. SAFINA: Include reference points in the rebuilding periods so that recovery programs can be  
11 adjusted part way through, if necessary.

12 MR. DUNNIGAN: Okay. Vince Pyle?

13 MR. PYLE: Vince Pyle. Minimize the impact of foreign fishing on domestic HMS fisheries.

14 MR. DUNNIGAN: Okay. Bob?

15 MR. HUETER: Bob Hueter. Increase the precision of data sets used to make management  
16 decisions.

17 MR. DUNNIGAN: We're going to go for a couple of more minutes on this questions of objectives  
18 that may apply to both. And then we'll take an aside and we'll start talking about Billfish for a couple of  
19 minutes and then we'll talk about HMS for a couple of minutes. Sonja Fordham?

20 MS. FORDHAM: Sonja Fordham. Adopt a precautionary approach to management.

21 MR. DUNNIGAN: Adopt a precautionary approach to management. Anybody else around the table  
22 that hasn't had your hand up yet? John?

23 A PARTICIPANT: I want to be a little more specific. Develop landings data bases that will reduce

1       uncertainty in population dynamics models that are used in management.

2               MR. DUNNIGAN: Whoops. Develop landings data bases that will reduce uncertainty.

3               A PARTICIPANT: In population dynamics models used for management decisions. And secondly,  
4       and another is develop fundamental biological information necessary for the management of all the species in  
5       the planets.

6               MR. DUNNIGAN: Develop fundamental biological information. We're still looking for folks that  
7       have not been up yet. Yes, sir?

8               MR. WEISS: Peter Weiss. Reduce the word or eliminate -- no reduce the word unreliable in stock  
9       assessments so we can have more reliability.

10              MR. DUNNIGAN: How about just increase reliability of stock assessments? Is that the same  
11      thing?

12              MR. WEISS: I guess that's another way of saying it.

13              MR. DUNNIGAN: Okay. AP members sitting here in the audience? We need your name.

14              MS. JOHNSON: Gail Johnson. Domestic measures to encourage international compliance with  
15      ICCAT recommendations.

16              MR. DUNNIGAN: Domestic measures to encourage international compliance. Bob?

17              A PARTICIPANT: I'd like to see a comprehensive --

18              MR. DUNNIGAN: Go ahead.

19              A PARTICIPANT: A comprehensive plan made with the other fisheries taken into consideration.  
20      What I'm trying to say is that if we -- let's say we use a time area closure up in New England and you've got  
21      all the ground fish shut off at the same time, maybe a comprehensive plan could be where you would try not  
22      to shut down everything at once. You've got to take this plan and look at all the regional things to do the  
23      job right.

1           MR. DUNNIGAN: Thank you. We're developing a fairly impressive list here. I know there are  
2   going to be a lot of comments on them. But at the moment, what I'd like to do is to keep focusing on  
3   getting ideas up on to the table and I've seen a lot of people with hands coming up for a second time, so I'd  
4   like to go back and start doing that. Oh, another first time.

5           MR. FITZPATRICK: Robert Fitzpatrick. Let's make sure we have preserve traditional, recreational  
6   and commercial fisheries and minimize economic displacement from them in this process.

7           MR. DUNNIGAN: Preserve traditional, recreational and commercial fisheries.

8           MR. FITZPATRICK: And minimize displacement from them.

9           MR. DUNNIGAN: Okay, we have another first-timers, Peter Jensen, and then Jose has had his hand  
10   up almost from the first time we spoke, so we'll go to him next.

11          MR. JENSEN: Pete Jensen. I guess in the words of Yogi Berra, this almost seems like deja-vu all  
12   over again. We've gone through this exercise and what I'm concerned about is the we are now restating a lot  
13   of things we've already sort of agreed on in different words. And I think in the end, the way we word this is  
14   going to be extremely important. So it's just a concern I press that we're re-tracing old ground with different  
15   words and I'm afraid we might end up in a different spot.

16          MR. DUNNIGAN: Jose?

17          MR. CAMPOS: Time area closures in international waters.

18          MR. DUNNIGAN: Time area closures in international waters. Bob Eakes, you had your hand up?

19          MR. EAKES: Well, I'd like to see an aggressive trajectory curve on rebuilding all species.

20          MR. DUNNIGAN: Aggressive trajectory curve on rebuilding all species. Nelson Beideman?

21          MR. BEIDEMAN: To minimize and simplify the number of regulations affecting HMS fisheries.

22          MR. DUNNIGAN: Minimize and simplify. Anybody else want a second or first go around here.

23   Rich Ruais?

1           MR. RUAIS: Yes. Rich Ruais. In Maine, I think Rebecca mentioned, we started this exercise at  
2 the Maine Fishermens Forum and one of the generic objectives that was offered I think is important and I  
3 will repeat it here. It's to establish and preserve HMS allocation of tact -- do you want to start typing?

4           A PARTICIPANT: Yes.

5           MR. RUAIS: This is a long one. Let me advise you, this is a long one.

6           MR. DUNNIGAN: Is it already written down some place?

7           MR. RUAIS: It is already written down in the summary of the objectives and discussions of the  
8 Maine Fishermens Forum. It's to establish and preserve HMS allocation of tact among domestic user  
9 groups, areas and seasons, on the basis of the historical fishing pattern for each species and participants,  
10 socioeconomic effects, stock abundance and incidental catch. It's under group four of the generic objectives  
11 that we drafted there.

12          MR. DUNNIGAN: Let's have a couple of more and then we're going to move on. We're going to  
13 move onto billfish. Marsha?

14          MS. HASS: I'd like him to clarify -- this is Marsha Hass from the South Atlantic Fishery  
15 Management Council. When you say historic, does that mean we're all going back to rod and reel, or do you  
16 want recent history? Which history are we going to use?

17          MR. DUNNIGAN: I don't know that any of those are necessarily implied in just the way the  
18 objective is stated. We're going to have to get into talking about what a lot of these terms mean at some  
19 point. And a lot of these objectives. At the moment, we're just trying to get the ideas up (inaudible). Ray  
20 Bogan?

21          MR. BOGAN: Ray Bogan. Integration of state, catch and landings data into NMFS's data base.  
22 And then -- same --

23          MR. DUNNIGAN: Integration of state, catch --



1 MR. BOGAN: Catch and landing data into NMFS's data base and the same prefix ending into  
2 ICCAT's data base.

3 MR. DUNNIGAN: And you need to add the word and landings after catch.

4 A PARTICIPANT: Okay.

5 MR. BOGAN: Correct. Catch and landings.

6 MR. DUNNIGAN: Mr. Weiss?

7 MR. WEISS: Getting back to the Maine Forum, we had a -- two of the groups addressed an issue  
8 that I think should be discussed here. Now how do you address number three and four of the 1982 and 1990  
9 national standards regarding fishing? One says preserve traditional fisheries and the other one says spread the  
10 catch among as many user groups or (inaudible) people as possible. There are -- there are mutually exclusive  
11 to each other. They don't make any sense. (Inaudible) national standards, then we can -- you know, we can  
12 give examples and discuss them.

13 MR. DUNNIGAN: All right. Let's get that up there. Mr. Claverie?

14 MR. CLAVERIE: Thank you. Maumus Claverie from the Gulf Council. Consider newly  
15 developing fisheries and maintain the goals -- oh, no, I'm sorry that's the wrong (inaudible), excuse me.

16 MR. DUNNIGAN: Consider newly developing fisheries. Let's talk about billfish for a moment.  
17 Let's move away from objectives that we think are generally applicable to all fisheries and let's talk about  
18 objectives that may be applicable only to the billfish fisheries. Jose Campos?

19 MR. CAMPOS: Continue the study of using circle hooks for both long line and recreational  
20 fisheries.

21 MR. DUNNIGAN: All right. Continue the study of using circle hooks in the long line and  
22 recreational fisheries. And Rachel, could you just type in Billfish right above that one, so that we know  
23 we've switched here? Issues, objectives, specific to Billfish. Ray Bogan?

1           MR. BOGAN: Just a recommendation to Jose that he may want to consider augmenting his  
2 statement by saying that circle hooks or any other means of catching, because there may be, as we go  
3 through hook release mortality studies in various fisheries, we realize there are more effective means.

4           MR. DUNNIGAN: Okay, after circle hooks, Rachel, let's put an --

5           MR. BOGAN: Another -- other means of catch.

6           MR. DUNNIGAN: And other means of catch. Very good. Ellen Peel?

7           MS. PEEL: I feel like I'm repeating our -- myself somewhat, but reduce billfish by-catch and  
8 mortality (inaudible) was included in the upper level.

9           MR. DUNNIGAN: Reduce billfish by-catch and mortality.

10          MS. PEEL: Yes, we had by-catch earlier.

11          MR. DUNNIGAN: Reduce billfish by-catch at -- we're doing some formatting here. Okay. Other  
12 billfish-specific things? Bob?

13          A PARTICIPANT: Can I suggest that whoever we gave these things to four months ago, just read  
14 them off.

15          A PARTICIPANT: Yeah. My point exactly.

16          A PARTICIPANT: We did this a lot for two years.

17          A PARTICIPANT: Yes, we did.

18          A PARTICIPANT: We did.

19          MR. DUNNIGAN: Somebody could just read them off and we'll put them up on the board. Let me  
20 ask for clarification. Rebecca, what is it that we want to do?

21          DR. LENT: Well, in our issues/options paper, we did lay out objectives. And that's what you have  
22 in front of you. What we're trying to do today is to narrow it down into two or three generic ones. If we  
23 could get agreement at this meeting (inaudible) fine.

1 MR. DUNNIGAN: Okay.

2 DR. LENT: You have those. You received those in the mail. What would be helpful is if we  
3 could again, as I mentioned, in two or three generic ones, that you agree on and then we'll move into  
4 specifics.

5 MR. DUNNIGAN: You have a paper on current management plan objectives. Atlantic tunas,  
6 swordfish, sharks and billfish. Plus you have the handout from the Maine forum. Okay? In terms of these  
7 generic discussions that we've just been having, who wants to offer what is -- between what we've just been  
8 talking about and what's in these handouts, who wants to offer what would be the most encompassing  
9 objective that would apply to both fishery management (inaudible). David Wilmot?

10 MR. WILMOT: Prevent more (inaudible) fishing. It seems to me that that is, along with  
11 appropriate criteria for over-fishing definitions, is where we want to be and it's in the law.

12 MR. DUNNIGAN: Dave Wilmot has suggested that the most encompassing objective that applies  
13 to both plans is prevent more end-over fishing.

14 MR. WILMOT: And (inaudible).

15 MR. DUNNIGAN: Oh, okay. Nelson, do you want to comment on that?

16 MR. BEIDEMAN: Yes, Nelson Beideman, Blue Water Fishermens Association. Given the small  
17 percentage that the U.S. catch is of most of these Atlantic-wide species, maybe they could change that to  
18 prevent or reduce -- because it may not be within our power to prevent or eliminate. How can we eliminate  
19 over fishing when we're only -- ah, one, two, three, four percent of the problem.

20 MR. DUNNIGAN: David, do you want to answer that?

21 MR. WILMOT: I don't think there is any need to revise what I stated. It's self-explanatory.

22 MR. DUNNIGAN: Well, what -- not yet. Not yet. We may come back. Okay.

23 MR. BEIDEMAN: Prevent or reduce --

1 MR. DUNNIGAN: Bob Hayes and then Rich Ruais.

2 MR. HAYES: First of all, the premise that the United States can't develop a fishery management  
3 plan which it can put into place internationally, I think is foolish. I don't think we ought to give up that  
4 objective simply because it's hard to negotiate. I'd like to add to Dave Wilmot's thing -- proposal that we  
5 develop domestic (inaudible) plans for implementation domestically here.

6 MR. DUNNIGAN: Is that a part of what you would call the single most important encompassing  
7 objective for both plans? Or is that a separate idea?

8 A PARTICIPANT: I need just -- a little help on this.

9 MR. DUNNIGAN: Wait, wait, wait. So how would you modify that first statement of David  
10 Wilmot?

11 MR. HAYES: Prevent end-over fishing?

12 MR. DUNNIGAN: Yeah.

13 MR. HAYES: I would just and -- I would say an develop --

14 MR. DUNNIGAN: Yeah.

15 MR. HAYES: Rebuilding plans for domestic and international implementation.

16 A PARTICIPANT: That's the clarification.

17 MR. DUNNIGAN: Develop rebuilding plans for domestic and international implementation. And  
18 that came from Bob Hayes and his understanding is that that would become a part of that very first one that  
19 was suggested by David Wilmot. Ray Bogan?

20 MR. BOGAN: Bob clarified it. When he originally said it, he said domestic plans which will be  
21 implemented internationally and I just couldn't get that.

22 MR. DUNNIGAN: Now, Rich Ruais?

23 MR. RUAIS: Yes, Rich Ruais. I'd prefer to see that stated in a positive fashion by saying

1 something like seek implementation of an international Atlantic-wide conservation program to achieve MSY  
2 for all HMS species. Implementation of the program in compliance with the program Atlantic-wide.

3 MR. DUNNIGAN: Okay. Seek implementation of international plans to achieve MSY --

4 MR. RUAIS: Implementation and compliance with international plans Atlantic-wide to achieve  
5 MSY of all HMS species.

6 MR. DUNNIGAN: Now is that a -- is that a separate idea from the one that Dave and Bob worked  
7 on?

8 MR. RUAIS: Well, actually, I would call it a substitute one that if you are looking for what is  
9 generic, most important primary objective, I would rather see the plan stated in a positive sense, rather than  
10 try to start off with a very negative objective.

11 MR. DUNNIGAN: Okay. Do we have this up on the board the way you want it?

12 MR. RUAIS: International conservation plans Atlantic-wide to achieve MSY for all HMS species.

13 MR. DUNNIGAN: Okay. Conservation plans for all --

14 MR. RUAIS: Atlantic-wide -- yeah, right.

15 MR. DUNNIGAN: Alan Weiss?

16 MR. WEISS: I would suggest that it's -- again, that it's -- it's kind of waste of our time to sit  
17 around here trying to re-write the Magnuson Act. First of all, because we can't possibly do it as well as the  
18 legislators did because we are all trying to do it extemporaneously. And second of all, because it doesn't  
19 really matter if we write it because they are the legislators and this is the law of the land. So I would be  
20 more in favor of taking the appropriate sections, the appropriate language from sections 301, 303 and 304 of  
21 the Magnuson Act and utilizing that as the -- as the core objectives of these plans. And then build more  
22 specific detailed sub-objectives, if you will, or goals to attain those objectives underneath those constraints  
23 which this whole process will be functioning under anyway when it comes to fruition.

1           MR. DUNNIGAN: Well, I suspect that that's what we've been trying to do. Is to take what's in the  
2   Ma3 (n Act and find out those pieces of it that are going to be most relevant to making decisions for HMS  
3   and Billfish. Rebecca, did you want to comment on that?

4           DR. LENT: Yeah, I just -- this is Rebecca Lent. I just wanted to note that, yes, indeed, our  
5   fisheries management plans are going to address the national standards and the guidelines and the content. I  
6   think there is a difference, though, between an objective, say, for a billfish plan and those more generalities  
7   related to everything that goes into an FMP. But our goal here today is not to bore everybody at the  
8   beginning of this meeting. Our goal was to try and get a couple of points of consensus. We're not going to  
9   get it. That's fine. We'll just have to cut and move on. We will take what we've gotten from you and we'll  
10   come up with a list. That will be in the draft (inaudible) that you'll look at in the next go around. Thanks.  
11   I think we're going to have to wrap this up in about ten minutes.

12          MR. DUNNIGAN: Ray Bogan?

13          MR. BOGAN: Jack, thank you. Ray Bogan again. I get back to something just because I didn't  
14   see as I looked through the objectives that we had gone up and through in the past, I didn't see it clearly  
15   stated. And that is the appropriate time-frame for rebuilding strategies for each species. That's a major  
16   controversy in Magnuson right now.

17          One of the many things that each council, and, indeed, this advisory panel is going to be debating, is  
18   the time-frame in which rebuilding is to take place. There are those that talk about a 10 year rebuilding  
19   period except under certain extraordinary circumstances. And this is where I disagree with you, Alan, with  
20   regard to the legislature writing it well. I would suggest that we have to come up with something in terms  
21   of what that rebuilding schedule is going to be and I think this is as good a place as any to talk about that.

22          And if we hit that as an objective and we can walk out with that, that's going to help NMFS a heck  
23   of a lot in terms of how they are going to address this.

1           MR. DUNNIGAN: Okay. National Marine Fisheries Service is going to be writing a draft fisheries  
2 management plan in the next two months and bring it back. What other guidance do you want them to have  
3 in deciding what the appropriate objectives for these two plans ought to be? Yes, sir?

4           MR. HUDSON: Rusty Hudson, Directed Chart -- the large coastal shark category has been  
5 identified as 22 species. All 22 species have been given a blanket over-fishing designation. Several of those  
6 species have virgin populations and never been commercially fished.

7           MR. DUNNIGAN: Okay. Any thoughts about objectives, suggestions, ideas for them to chew on?  
8 Peter?

9           MR. JENSEN: Pete Jensen. I would argue that based on previous meetings and the way we have  
10 refined the language that we see in the current management objectives, NMFPs has a consensus from this  
11 group. It covers all of it. It covers the economic dislocation, it covers over-fishing, it covers better data, it  
12 covers allocation. All of those things are in there and all of us have had plenty of opportunity to refine that  
13 language and we have. And, so, in the interest of addressing Gary's comments, that unless we come up with  
14 some strong consensus, we're going to be considered only advisory, I would say this group has got to come  
15 together and say you have a consensus. Because I believe we do.

16          MR. DUNNIGAN: Dave?

17          MR. WILMOT: David Wilmot. I would disagree that the current FMPs articulate this language.  
18 For example, tunas, swordfish, marlin, do not use the language prevent end-over fishing. Only sharks  
19 mentions that in the FMPs. I would disagree. I think important aspects of what is the law is missing from  
20 the current FMP.

21          MR. JENSEN: David, what I'm arguing is that all of the points for all of those species are in that  
22 whole list. I'm not suggesting we sort them out by species. I'm saying they are all there. We've articulated  
23 all of them.

1           MR. WILMOT: I would even argue that a few were -- are not in here. Cautionary codes, for  
2       example, which I consider to be essential, is not articulated in any current FMP (inaudible).

3           MR. DUNNIGAN: All right, when you say any current FMP, you are talking about this draft?

4           MR. WILMOT: Which was my understand to what he was making reference to.

5           MR. JENSEN: I was making reference to the current Fisheries Management Plan objectives. We  
6       have identified virtually all of the objectives I have heard around the table so far.

7           MR. DUNNIGAN: Okay, Pete is suggesting that we've identified all of those really already. There  
8       seems to be some sense around table that there are some things that are left out from one or the other.  
9       David's talking specifically about references to -- more broad references to prevent over-fishing and also to use  
10      of the precautionary principle. Does any -- does anybody -- David has made one comment on what Pete  
11      suggested. Does anybody else have -- want to agree with David or not or make a different comment with  
12      respect to Pete's assertion that we are pretty much there in terms of consensus from these two groups?  
13      Nelson?

14          MR. BEIDEMAN: This was specific on Dave's comment. Nelson Beideman, Blue Water  
15      Fishermens Association. I would love to hear and explanation, David, of how we are going to prevent or end  
16      over-fishing on these stocks where, again, we are one, two, three, four, five percent of the (inaudible)? I  
17      would love to hear that so that we're not just shooting at pie in the sky.

18          MR. WILMOT: If Rebecca will allow me, I'll be happy to talk for the next hour on my vision of  
19      the future, Nelson. But just specifically, let's not get caught up in these ridiculously low numbers that are  
20      tossed around. Nelson, you know what percentage of the swordfish in the North Atlantic you catch. You  
21      know what percentage of bluefin tuna in the West Atlantic we catch. We catch significant numbers. Those  
22      are the ones we are going to be focusing on here. And to start tossing around two percent and three percent is  
23      simply not reality.



1           MR. DUNNIGAN: Let me -- we're not going to get into a long discussion about where the  
2           numbers are right now. Yet -- but the question that we've been asked is, how close are we on looking at the  
3           objectives that we're setting up for management, not necessarily what are we going to do to achieve them and  
4           how likely is that. The question now is what is it we are setting out there as our try to do.

5           A PARTICIPANT: Jack, if we have unobtainable goals, then we are defeated before we start.

6           MR. DUNNIGAN: Carl?

7           MR. SAFINA: I just want to add, sir, the -- this argument that we can't do anything unilaterally  
8           when the swordfishery was closed because of mercury in the U.S. and Canada, the population recovered. It  
9           was on a clearer recovery trajectory. I think that that is an experiment of what happens when we do things  
10          unilaterally in the West Atlantic. I don't think your assertions have any information or data to back them up.

11          MR. DUNNIGAN: Can we have lights back up? Who had the light? Thank you. Bob Spaeth.  
12          We're going to be moving on here pretty quick. Bob?

13          MR. SPAETH: If everybody wants to debate about the percentage of sharks we're catching, how  
14          about somebody answering the question in our management plan, what effect internationally is going to have  
15          our shark plan on the whole picture. Do you see where I'm coming from?

16          MR. DUNNIGAN: I'm focusing on --

17          MR. SPAETH: In other words, I'm looking at it from a fisherman's perspective. We can manage  
18          these sharks. And if we don't take care of worrying about whether there is a recovery, you could put all the  
19          management plans in the world, but if somebody is catching the fish and there is no recovery, what is the  
20          sense. And I'd like for somebody to give us an analysis. We're always taking. Give us some facts and  
21          figures. I think that should be some research into the plan. Then we can know who is right.

22          MR. DUNNIGAN: What -- we are going to have to start moving on. Suggestions? We've had a  
23          couple of suggestions toward the end here from Pete, responded from David Wilmot and a couple of other

1 inputs from Nelson and Carl and Bob Spaeth. The issue is, started -- this is where the National Marine  
2 Fisheries Service is right now. And are there any more specific things that we can, as a group, agree to?  
3 Agree to. We want to tell them in terms of a direction to go in writing the next version of the plan. Let's  
4 take this -- two or three more comments and then we'll go onto the next presentation. Marsha?

5 MS. HASS: My comment -- Marsha Hass from the South Atlantic Fishery Management Council.  
6 I think that we have to do whatever we can in domestic waters. We cannot allow the fact that the  
7 international people don't do what we do. Our government has always (inaudible) government, and obviously  
8 the Magnuson-Stevens Act did, we have always done that which we thought was ethical and right, regardless  
9 of what was going to be done in another country. We disallowed the use of DDT or whatever to stop things  
10 here. Now we can't control what goes on in another country. But we can certainly affect what goes on in our  
11 waters.

12 MR. DUNNIGAN: Maumus Claverie?

13 MR. CLAVERIE: Thank you. Maumus Claverie, Gulf Council. It just seems to me that what  
14 Bob Hayes suggested is kind of like the Ragu bottle. It's all in there. And it covers it all. It doesn't say we  
15 have to do it all by ourselves. It says that we will consider foreign stuff, too. And it's all integrated in there.  
16 Now, whether you want to argue that we ought to shut ourselves down 100% or just the percentage that  
17 everybody else should shut down and that kind of stuff, comes within the purview of the discussion of what  
18 Hayes said.

19 MR. DUNNIGAN: Are there more comments on this language and suggestions to Rebecca as to  
20 what she ought to be doing to expand this as they draft the next version of the plan? Objectives. We're not  
21 into debating a lot of the things that have been said here in the last couple of minutes. Jose?

22 MR. CAMPOS: Jose Campos. Maximize enforcement in the EEZ. I don't see anything about  
23 enforcement.

1 MR. DUNNIGAN: Okay. Add the concept of enforcement in the EEZ. Sonja?

2 MS. FORDHAM: Sonja Fordham. I'm a little confused because we are jumping around a bit and  
3 I'm sure this is redundant. But under the shark objectives I would recommend putting -- prevent over-fishing  
4 but I would add rebuild over-fished populations. And also enhance recovery.

5 MR. DUNNIGAN: Under sharks, rebuild the over-fished populations and enhance --

6 MS. FORDHAM: Enhance recovery by protecting juveniles.

7 MR. DUNNIGAN: Recovery by protecting juveniles. Thank you. Gail?

8 MS. JOHNSON: Gail Johnson. Just for clarification, than, vis-a-vie all of this discussion about  
9 Atlantic-wide and the United States doing things to affect rebuilding. Should there be something in there  
10 about within our EEZ versus Atlantic-wide? Because surely many of the fleet fish in the middle of the ocean  
11 where the United States has only the thinnest of threads on the permit. And they fish with other nations  
12 more than they fish with U.S. boats. And we're talking a lot about objectives that have very much to do  
13 within our own EEZ and I think maybe there should be some clarification but I don't -- I'm not sure how to  
14 do it.

15 MR. DUNNIGAN: Well, I think it's clear that this is a fishery management plan for U.S. fishers.

16 MS. JOHNSON: Right.

17 MR. DUNNIGAN: That's what this plan is going to be addressing.

18 MS. JOHNSON: U.S. fisheries that are far-flung in the North Atlantic.

19 MR. DUNNIGAN: Within -- under the management authority of the Secretary and the EEZ.

20 MS. JOHNSON: But our objectives seem to be focusing very much on the area over which we  
21 have control and we have no control outside our 200 mile limit.

22 MR. DUNNIGAN: Okay. All right. We -- we're repeating a lot of stuff. It's not helping on the  
23 drafting of this next set of objectives. All right. Keep it real quick. We've got two minutes. We're going

1 to go with Bob Hayes, Bob Spaeth, Mau Claverie, Rich Ruais, Peter Weiss and we're done.

2 A PARTICIPANT: In two minutes?

3 MR. DUNNIGAN: The purpose of this plan is to establish U.S. policies. Wherever that policy  
4 gets put in place. Might it be at ICCAT. Might it be domestically. Or any place else. Bob Spaeth?

5 MR. SPAETH: Part of the plan needs to address international fishing. If you have a U.S. permit  
6 (inaudible) sharks. I have a U.S. permit. I'm not allowed to compete internationally. I don't know if you  
7 knew that but it's in the current plan. I don't think that's right. It should be taken out.

8 MR. DUNNIGAN: Maumus Claverie?

9 MR. CLAVERIE: Bob said it. I just refer to Section 102 of the Magnuson-Stevens Act. Once we  
10 set OY, that's what our marching orders are to our State Department to go get it done internationally.

11 MR. DUNNIGAN: Rich Ruais?

12 MR. RUAIS: Yes. I just want to agree with Pete Jensen that there -- there -- I believe there is a  
13 consensus that this document, the objectives contained in this document, that there is a consensus that those  
14 are all objectives that should be in the HMS plan. In order to draw the distinction between this butcher-block  
15 paper exercise that we're going through today, just putting things up on the wall. There is a consensus there.  
16 That -- those objectives need to be talked about. Those suggested objectives would need to be talked about.

17 MR. DUNNIGAN: Last comment.

18 MR. WEISS: I wonder -- Peter Weiss, I'm sorry. I wonder if we can reach consensus from all of  
19 these (inaudible) of the United States. Because whatever plan we come up with for rebuilding doesn't  
20 disadvantage American fishermen, vis-a-vie what other countries are doing. Can we not disadvantage them for  
21 whatever program we come up with? Is there anybody that's against that?

22 MR. DUNNIGAN: Anybody that's against that? Russell.

23 A PARTICIPANT: I'm not saying that. Obviously there are those here that are arguing strongly

1     that we can take domestic actions, implement them domestically. There are others who argue that we can set  
2     domestic policy and carry that forward internationally and achieve an even greater affect. And there are others  
3     who are arguing that we shouldn't do anything domestically unless we can first get international action.  
4     There is no consensus.

5             MR. DUNNIGAN: I think this -- I think that might be true. We've got to go along. We've got a  
6     break coming up. We've got other agenda items we have to move onto. So let's go ahead and move on.  
7     Now, listen up. Want to do that now?

8             (End of Tape 1, Side B.)

9             MS. LAUCK: On your chair over the break. Hopefully someone put the first page of this -- my  
10    little (inaudible). It's basically a six-point outline. This will cover both the Billfish Amendment and the  
11    HMS FMP. We want to -- we want to treat them both in very much the same fashion, have them be  
12    consistent. Easy for people to go back and forth between them, if they need to. Obviously, in some places  
13    the content will be different, but the forms, at this point, it looks very much the same.

14            A forward, that's just some basic introductory material. I'll expand on all these, but I just wanted to  
15    let you know kind of what lies ahead. The fisheries management program, that's the real meat of it. Section  
16    3 is the analysis of beneficial and adverse impacts of the proposed measures and other matters that are to be  
17    considered. Section 4 is the supporting material. That's lots of descriptive material. What we based our  
18    decisions on. Five is other applicable and six is some references. I'll just let you take a look at it. This is a  
19    little bit more detailed.

20            The forward is going to be done at -- probably the last of all and you will see it in September when  
21    we (inaudible) FMP. It's really just form stuff. The introductory material is much the same. Although the  
22    summary in introduction will have some substance in it and we'll tell you what (inaudible) is going to do  
23    with that.

1           The fisheries management program itself -- this is the focus of the next few months for us.  
2       Describing what problems need to be resolved. The nature of the problems and their history. The  
3       management objectives which we hope to have for you in draft form at our next meeting. The description of  
4       the management unit, just the species that are under management and the area that we're talking about. The  
5       management alternatives. Again, another big section. And this is really the back bone of the plan. The  
6       summary of the alternatives. Section 2.6 is development of fishery resources. As necessary, one of the  
7       things that fishery management plan does is says these are some other fish -- fish stocks that could be  
8       exploited. This is something that we may or may not do in this FMP, but it's required for us to address it, at  
9       least.

10           Section 2.7 sort of follows, actually, on the -- sorry, I'm not doing a very good job of overhead.  
11       Follows that (inaudible) Section 2.4. This is where we will specify OY, the preferred management measures  
12       and some of the record-keeping and reporting requirement of the fishery. Following that, the rationale on that  
13       benefits of the proposed actions. And the relationship of these actions to other laws.

14           Finally, Section 2.10 is how the councils will review the -- and our other partners, will review the  
15       FMP and on-going monitoring of the FMP to meet the objectives.

16           MS. McCALL: Could I -- I'd like to -- could I make a comment?

17           MS. LAUCK: Mm-hmm.

18           MS. McCALL: Mariam McCall with General Counsel. When we put this together, we used  
19       existing outlines, you know, and what we have called our operational guidelines. We eliminated some things  
20       that we felt immediately weren't pertinent to the HMS fisheries. There still were some things in there that  
21       we may determine are not -- are not relevant. So if you see some things and go, oh, geez, this doesn't look  
22       like it's going to apply to these fisheries, you know, we may conclude that ultimately. Just to give you an  
23       idea what we were thinking.

1 MS. LAUCK: The analysis of the impact is Chapter 3. Another big section where the thinking  
2 that went into the FMP comes out. The basic structure is that -- of it, an analysis of top to bottom there,  
3 the equalizer for economic and social affects that might happen when these measures are implemented. I  
4 won't read down the list for you. I'll just let you take a look at it. But it's quite a comprehensive list and  
5 these are all the analyses that we'll be working on between now and the end of August.

6 MR. RUAIS: Do we want to -- Rich Ruais. I'm just trying to figure out where we're at. Do we  
7 want to talk about these issues right now or are we just -- this is just a time when we're just going to get  
8 this broad overview.

9 MS. LAUCK: We'd certainly like any kind of broad input you have. At the moment, we thought it  
10 might be more useful for you to have an update rather than -- we're happy to have input, it's just that this is  
11 not particularly substantive for the issues at hand.

12 MR. RUAIS: Do we have a -- a handout that details the rest of these pages or it is just the  
13 overview here.

14 MS. LAUCK: We didn't make it into a handout, although if people would like it, we'd be happy to  
15 send it to you. Yes. Yes.

16 MR. RUAIS: Can't -- can't get it done tonight so we can look at it?

17 MS. LAUCK: We can. We can get it done tonight.

18 MR. RUAIS: Okay.

19 MS. LAUCK: We'll get copies of those for you for tomorrow. Chapter 4 is supposed to sort of fill  
20 in gaps. It helps us meet the NEPA requirements, the National Environment Policy Act requirements of --  
21 for FMPs, the Regulatory Flexibility Act. This is sort of the checklist section. If we didn't get things done  
22 in other sections, it will happen here. And another very important component of this that Sari's going to  
23 talk about in a minute is the habitat component which has been significantly expanded after the Magnuson

1 Act was re-authorized in 1996 to include essential (inaudible) habitat considerations. But I'll let Sari expand  
2 on that for you.

3 The end of this Section 4.7 will describe the activities of the fisheries, commercial and recreational  
4 fisheries and in the case of HMS, international fisheries as well. This will include economic characteristics  
5 of the fisheries, social and cultural frame-work and safety considerations. There is a new safety at sea  
6 requirements that we need to meet with these plans and the amendment to Billfish FMP.

7 Finally, these are the laws that we'll need to address in the FMP. That NEPAs in 5.1 and 5.2, the  
8 regulatory impact review, the Regulatory Flexibility Act, Paperwork Production Act, Coastal Management  
9 Act and the Endangered Species Act and Marine Metal Protection Act. And proposed regulations, this is  
10 where we will actually include the regulations (inaudible). Aim -- does anyone have questions on just the  
11 very broad outline. Marsha?

12 MS. HASS: Marsha Hass, South Atlantic Council. I'm very concerned that we continue to  
13 perpetuate the myth that these are separate fisheries when given the gear that's being used, they are all affected  
14 at the same time. And I'm really concerned that we somehow count these as discreet things, when in fact, the  
15 interplay is so much that I'd urge you to look at that. I didn't see anything in there.

16 MS. LAUCK: That's -- aim -- that's certainly one of the big challenges for this FMP. And one of  
17 the things that we've set out to do when we decided to have tuna, swordfish and sharks all in one plan was to  
18 try and integrate their management better. And the management of the fisheries for them. So it's something  
19 we're mindful of every step of the way. Some of it is going to come out in the advisory panel discussions on  
20 how much the measures that -- that (inaudible) the advisory panels come up with do integrate. How  
21 integrated they are, rather. And some of it will come up when we are writing. We are looking to integrate.  
22 So thanks for reiterating that for us.

23 A PARTICIPANT: (Inaudible) some comments. Number one, in the forward I think you should



1 include a discussion -- of I think it's Section 201 isn't it? About the foreign -- the foreign treaty stuff? Is  
2 that where it is Mariam? It is M-S 201 or 102, I can't remember? But that section should be discussed in the  
3 forward.

4 And carefully hidden, as usual, in supporting material 4-0 is the real guts of the thing, which is  
5 what's over-fishing, what's MSY, what OY. And I really think that that ought to be number three on this  
6 piece of paper that you handed out to us. And then three, four, five and six, bumped up one. That's the guts  
7 of the thing that ought to be found in an easy place. You really have to know where to go to look to find it  
8 in all the plans I've ever seen, including this structure.

9 MS. LAUCK: Okay. Good point. Thank you.

10 MR. DUNNIGAN: Other comments? Pete?

11 MR. JENSEN: Pete Jensen. I have a couple of questions. One has to do with the advisory panel  
12 role and that is, at what point will the AP get a look at the preferred management measures?

13 MS. LAUCK: Aim -- I'm pretty sure that we've got that set for May. We have two stops along the  
14 way, really, between now and August. We'd like to consult with you again at the end of May and in the  
15 middle of August.

16 MR. JENSEN: And at that point you would expect to have identified what you think are the  
17 preferred management measures? Am I reading you right?

18 MS. LAUCK: We'll have the management alternative. We're hoping to have the management  
19 alternatives in there.

20 MR. JENSEN: Just the alternatives?

21 A PARTICIPANT: Yeah. Narrow it down to the range of all of the (inaudible) steps that we'll be  
22 looking at.

23 MR. JENSEN: I -- we went through that quickly. One thing that occurs to me is how are you

1 going to cover the regional differences in all of these fisheries? Is it going to be blended in the whole  
2 document? Or are there going to be sections which will identify the regional -- different regional aspects of  
3 these fisheries?

4 DR. LENT: (Inaudible) this is Rebecca. We are in the process of getting some assistance in terms  
5 of describing the communities in these fisheries. And this person is going to be traveling to some major  
6 regions of the fishery and meeting with folks and getting a description of what recreational and commercial  
7 fisheries and that aspect. We've also got some material that we've already prepared on (inaudible) fishery. It's  
8 in the long line report. So we're making an attempt to cover the areas. It's obviously a huge area from  
9 Maine and to get in the Gulf of Mexico, but we are trying to do a good job in describing the fisheries.

10 MR. DUNNIGAN: Rich?

11 MR. RUAIS: Yeah, Rich Ruais. I was just going to add. Of course, Rebecca you have a wealth of  
12 (inaudible) documents, in terms of all of the established fishery management plans that the councils have  
13 done to fill in a lot of what clearly is sort of boiler-plate type sections of the plan. But I was wondering -- if  
14 this isn't the right time to ask about this or talk about this tell me and we'll hold off on it. But where do you  
15 intend -- like the major important sections to the public the affected constituent groups, like management  
16 objectives, like alternative management strategies, like definitions of over-fishing, rebuilding strategies?  
17 Where do you intend, and we just heard two meetings for the AP between now and August when the FMP is  
18 literally expected -- should be in draft form, where do you expect the public to fit in on that process? Are we  
19 going to wait until you have a draft fishery management plan or is there going to be other opportunities as  
20 we move down?

21 DR. LENT: I think we'd like to hear -- this is Rebecca. I think we'd like to hear from the AP about  
22 that maybe at the May meeting or in the August meeting. But we are working now under a pretty tight  
23 deadline to submit a draft FMP and draft proposed regs to Secretary by September the 30th. Even if that goes

1 through the system and we actually have a draft FMP, then that's when we can launch a public process.  
2 When we have a draft FMP and a proposed rules, then we go into the very important public process of  
3 getting feedback on those draft documents and other proposed rules. So there will be public involvement at  
4 that stage. Obviously, if we can get some public involvement ahead of that, we'll try. But it's going to be a  
5 really tight schedule, Rich. We'll continue to have open meetings. Trying to have the meetings in different  
6 areas. The next couple of meetings to make sure that we get as much public input as we can.

7 MR. RUAIS: Okay.

8 MR. DUNNIGAN: We have Maumus Claverie and Pete Weiss.

9 MR. CLAVERIE: Mau Claverie from the Gulf Council. My question is somewhere in between  
10 when is this AP looking at again and when is the public looking at it? When are the councils going to look  
11 at it? And how soon will the councils be able to know because we have long-term scheduling things that we  
12 have to go through. We can't just call a meeting at the last minute. So we have to know when to schedule  
13 into our process, reviewing and comment. And the sooner the better. I mean, we just don't have a long lead  
14 time on it. We have a very long lead time on that. We can't shorten it.

15 DR. LENT: The councils -- this is Rebecca. The councils are involved in this process throughout  
16 the whole thing. You represent a council. You represent a council then you share what you have (inaudible)  
17 when you go back.

18 MR. CLAVERIE: Well, we have a process that we'd like to go through to get the input from our  
19 Gulf situation.

20 DR. LENT: Right.

21 MR. CLAVERIE: And to get that process in motion takes lead time. And we have to know that  
22 there is going to be something when we -- when we call them together, we have to know that there is going  
23 to be something for them to consider. And yet, if we wait until that paper is in our hands, it's too late to call

1       them together and get anything meaningful back to you. Me just sitting up here and telling you my opinion,  
2       is not council input of that nature by any means.

3               A PARTICIPANT: I think it's pretty safe to say mid-August. I mean, that's going to be our  
4       leaping off point. So don't have done then will be apparent and we're going to have it all done by then.

5               MR. DUNNIGAN: July meeting then. Mr. Weiss?

6               A PARTICIPANT: This is for Rebecca or (inaudible), what is the relationship between the --  
7       whatever rebuilding program we may try to come up with here and the one that we're going to try to come up  
8       with as the AP? The ICCAT (inaudible)?

9               A PARTICIPANT: (Inaudible.)

10              MR. DUNNIGAN: Mariam?

11              MS. McCALL: Thank you. Well, as I -- as I discussed, George, I guess I didn't discuss, I told. At  
12       the (inaudible) workshop last week, that's going to be a matter of policy for the agency to consider. The  
13       agency, of course, will be developing this rebuilding plan. Now we've discussed quite a bit or heard some  
14       discussion of it today about the international domestic interplay, integration, whatever. Whatever you mean,  
15       so -- aim -- that will be an element of this plan. And this plan will be done in a proposed, draft, whatever  
16       term you want to call it, by September 30th. And I assume that there will be discussion. Or I would  
17       anticipate there would be some discussion in the plan of how the agency may suggest or may intend to  
18       integrate this plan into what it does internationally.

19              And just a reminder for everyone of the timing, and this is really for bluefin this year, because we  
20       have, you know, an immediate situation, if you will, at ICCAT, because September 30th, the -- the plans  
21       will be developed. Aim -- then after that begins the international process where the agency goes through it's  
22       process with the ICCAT advisory committee to develop the U.S. position at this years ICCAT meeting for  
23       bluefin. You know, then we're going to have a year to see what happens and how all that works out for the

1 other species because swordfish won't be addressed until next year. Billfish as well, I think. I don't  
2 remember billfish.

3 A PARTICIPANT: 1999.

4 MS. McCALL: 1999. And this is 1998. Okay. Aim -- so it remains to be seen. It's -- you  
5 know, I've heard -- I'll just put in my one cents worth here. Aim -- you know I keep hearing this analogy  
6 about the tail and the dog and who is wagging who. Aim -- you know, we might have two dogs here. We  
7 may not have a tail to the dog. So it's -- a lot remains to be seen as to how the agency is going to put it all  
8 together and how it's going to play out.

9 MR. DUNNIGAN: We need to move ahead. We're focusing on the outline and suggestions and  
10 comments. And we need to make sure we've got everything covered. Ray Bogan and Pete Jensen and then I'd  
11 like to go ahead to the habitat presentation.

12 MR. BOGAN: Question, not to put another fly in the ointment, but what schedule are we on with  
13 regard to yellowfin big eye? That kind of thing.

14 A PARTICIPANT: We need a little more.

15 MR. BOGAN: Yellowfin, big eye, in the tuna family.

16 A PARTICIPANT: Yes, I know.

17 MR. BOGAN: When are we going to be working on any form of management plan on those  
18 species? Mariam?

19 MS. McCALL: Well, that's because Rebecca left. This is Mariam. Aim -- even though the focus,  
20 and a lot of people have identified it at the only focus, or the most important thing, rebuilding and addressing  
21 rebuilding for those that have been identified as over-fished, we still have the requirement of -- all the  
22 requirements of an FMP which apply to species that are not yet over-fished. So we have to deal with MSY,  
23 OY -- aim -- the over-fishing criteria. All of that for those other species as well. MR. BOGAN:

1 Right.

2 DR. LENT: I might add -- and this is Rebecca. When we come up with our over-fishing definitions  
3 and we apply them to all of our fisheries, we may find that big eye makes the list. (Inaudible.)

4 MR. BOGAN: That's my -- yeah, that's my thought.

5 DR. LENT: So that's really a critical part of the HMS.

6 MR. DUNNIGAN: Pete Jensen.

7 MR. JENSEN: Pete Jensen. I have a question for Gary. Gary, if the AP were to reach a strong  
8 consensus, or perhaps even a unanimous agreement that we need more time to develop this plan, is NMFS  
9 willing to make that known to Congress?

10 MR. MATLOCK: Short answer, I think, is yeah. We are willing to do that. I think, though, the  
11 realistic expectation that that would really make any difference, is that it would not. Because we're faced with  
12 a law that's in place now and we don't have the latitude of ignoring that and do it on the basis that it might  
13 get changed at some point.

14 MR. JENSEN: I think we all realize that, but we all feel like we are rushing towards something  
15 that we can't get our arms around yet, either.

16 MR. MATLOCK: Listen, I've felt the same way since October of 1996, so I can identify with it  
17 very, very well.

18 MR. DUNNIGAN: Okay, we've got -- are these comments on the outline. Comments on the  
19 outline. Bob Hayes?

20 MR. HAYES: Would you put up other applicable laws -- you didn't put up the sort of (inaudible)  
21 Act and it seems to me a reasonable law that I would essentially want to talk about.

22 MR. DUNNIGAN: Okay. Bobby? Okay, thank you very much. On the outline, Rich.

23 MR. RUAIS: On the outline just to -- Rich Ruais, to reserve the right, I hope sometime tomorrow

1 or even Wednesday, if need be, that if any of us have any burning thoughts on the outline, I mean, it was just  
2 flashed before us.

3 MR. DUNNIGAN: Oh, sure.

4 MR. RUAIS: I think we'd like to take a look at the outline itself in detail and maybe if there is  
5 time someplace, if we have comments -- substantive comments, we could put them on the record.

6 MR. DUNNIGAN: Liz said that she would try to get copies of detailed part of the outline made  
7 tonight and passed out to you. If we have time to come back to it, maybe we can. Even if we don't, you can  
8 make comments and get them to Liz or anybody here on the staff.

9 MR. RUAIS: Thank you. If I could just follow up on Pete Jensen's question to Gary and Gary's  
10 response, I think that would be very helpful. If we do reach that point, whether it's in May or in August that  
11 there is a sense that there just isn't enough time to complete this plan by the September 30th deadline, that --  
12 I understand there is a law that says you'll have it done by September 30th. But there are those in Congress  
13 right now, that are also looking at that question and who might -- might look at it even more seriously if  
14 they heard from the agency that it might not be reasonable to continue to pursue the pace that we're on right  
15 now.

16 MR. DUNNIGAN: Okay, we need to move on because our next presenter has a flight connection to  
17 make. One of the major -- among the major changes that the Sustainable Fisheries Act brought into M-S  
18 was a whole focus on habitat and essential fish habitat and we're going to be hearing now from Sari Kiraly  
19 who works in the HMS division and has worked previous to that in the Habitat Office in the National Marine  
20 Fisheries Service about those requirements that they may apply to these two documents. And you're up.

21 MS. KIRALY: According to the guidelines, the essential fish habitat was defined as those waters  
22 and (inaudible) necessary for spawning, breeding, feeding or (inaudible). And I'm not going to go into the  
23 details of the guidelines. Only so far as to tell you what we have to do pursuant to those guidelines and how

1 we are going to do it. So here is an overall schematic --

2 MR. DUNNIGAN: Can you all hear okay?

3 A PARTICIPANT: You're going to have to get her on there. You're not going to --

4 MS. KIRALY: But anyway, you are going to have two -- three FMPs in place presently,  
5 (inaudible) the swordfish, shark and billfish. You do not have an FMP for tuna. However, we are going to  
6 prepare a combined FMP for all of the above, except the billfish. The billfish will be handled in a separate  
7 amendment. And what we are going to do is prepare -- currently a PFH document. It's not going to be an  
8 amendment. It's going to be a document which can exist as a stand alone document to meet and ever  
9 revolving product as new information comes about. However, what we will do is take chunks of that  
10 document, as appropriate, and incorporate that material (inaudible) of the FMP and the billfish amendment.

11 So what is it that we really need to look at pertaining to the guidelines? We (inaudible) a list of  
12 what we have to repress in the (inaudible) document. And first of all, we are required to look at the habitat  
13 requirements by life history stage for each of the species covered in the FMP. And this means describing the  
14 habitat, distribution and characteristics, as well as the spacial and temporal distribution for each life history  
15 stage.

16 And in that exercise, we have to try to identify, as best as we can, the essential fish habitat. We  
17 need to describe this material both one and two about in terms of text and tables. In addition to that, we need  
18 to prepare a GIS data base and based on that data base, prepare distribution maps for each life history stage.  
19 As you can see, this is not going to be easy for (inaudible) because much of the distribution range (inaudible)  
20 life stages are really simply not done. So it's going to be (inaudible) exercise. Also for EFH, we are  
21 confined to the areas within the EEZ. Areas that fall outside of the EEZ, we can describe those areas as we  
22 wish and it's probably a good thing that we do sort of. And we will try to do so. However, we cannot  
23 designate those areas of EFH as EFH if they are not within the EEZ.



1           A PARTICIPANT: That's not right.

2           MS. KIRALY: We also have to look at fishing activities that affect EFH. Such as (inaudible),  
3 intensity of fishing, that type of thing. And we have to look at management measures and try to minimize  
4 those adverse effects. And these would be things such as air restrictions, tide area closures, that sort of thing.

5           We also have to look at non-fishing activities that are affecting EFH, such as off-shore (inaudible)  
6 gas, or dredging activities. And looking at number five and six, which are cumulative, in types of everything  
7 we then have to come up with, conservation and enhancement recommendations for those habitats that are  
8 already threatened.

9           We also have to look at prey species for the target species we're identifying as EFH and in terms of  
10 prey species, we have to look at loss of prey. That's considered an adverse impact. We're going to contact  
11 the EFH is designated as a feeding area, as well as for whatever purposes we might want to designate it.  
12 Within the EFH, we need to identify habitat areas of particular concern. These are the areas that are  
13 particularly threatened with the EFH or areas with a weak ecological function pertaining to that species or rare  
14 habitats. Things of that nature.

15          We then need to identify information gaps, information leaks and come up with the  
16 recommendations to help fill those gaps. And it's an on-going process we need to continually look at our  
17 FMPs, review the information in there. A review of new information that comes about and try to incorporate  
18 it as best we can and update those FMPs in terms of the EFH information.

19          So how are we going to do that? It's not going to be easy, but here is what we have in mind. This  
20 is what we hope to do. We have the EFH development team. Consisting of two components. The core  
21 team and the technical team. The core team consists of myself, Ron Hill and Chris Pearl (phonetic) from the  
22 Habitat Conservation Office. Chris is the person who is doing our GIS work. Our data base and will be  
23 preparing the (inaudible).

1 Margo Schulze, Buck Sutter (phonetic) and Mark Murray-Brown are the HMS staff. The EFH  
2 technical team is composed of people from our southeast and northeast fishing and science centers. Herb  
3 (inaudible) is going to be an overall coordinator for the technical information and helping us package it  
4 appropriate. (Inaudible) is our shark expert. Nancy Collier (phonetic) is with our (inaudible) labs. She heads  
5 up the APEX predator program. Bill Richards is going to be -- is helping us with the other HMS (inaudible)  
6 of sharks.

7 As I said, we have a (inaudible) called the APEX predator program and from other data services from  
8 the Miami lab (inaudible). And Jose is also working with people at (inaudible) Marine Lab to coordinate  
9 information they may have that can help us. Miami Science Center is also helping us with information for  
10 other HMS. We have tagging data from the APEX predator program which we've already incorporated  
11 (inaudible) and we're in the process of getting other (inaudible) data. And further data to incorporate  
12 (inaudible) into our GIS data base.

13 The core team is looking at information that we're getting from the councils and the shark  
14 information, in particular, and shark distribution in particular, with that information (inaudible) overlap with  
15 coastal areas of the fisheries and management councils have already described. They've gotten quite a bit of  
16 information from the state. So there is really no point in having us re-invent the wheel and go to the states,  
17 so therefore, we hope to incorporate that data with what we have (inaudible) the centers.

18 We have a (inaudible) review that we are using. It's not in final stages yet. Still in draft form.  
19 This is a review that the habitat office has contracted with Peter (inaudible) from the University of  
20 Connecticut and Richard (inaudible) from the State of Maine. And it is basically a literature review. It states  
21 here. It's not a speculative report or an impact analysis that is outside (inaudible) review from (inaudible).

22 (Inaudible) information we are currently preparing life history (inaudible) tables on our distribution  
23 mapping and are in the process of really trying to hone in on what we could consider to be EFH. At the

1 same time, we are gathering our habitat distribution information and (inaudible) that. We're going to have  
2 the councils (inaudible). And we have yet to prepare the conservation measures and (inaudible).

3 So, this is our schedule and by April 1st we hope to have a good draft on the life history  
4 information and the habitat distribution for technical (inaudible) review. And just Friday we had a meeting  
5 with (inaudible) a list of potential reviewers that we contact (inaudible) to do this for us. And hopefully that  
6 will all fall into place. We hope to have the draft sections that deal with the ecological characterizations and  
7 life history information and preliminary EFH identification done by May (inaudible). And our next phase  
8 would be to have everything else done by July 15th.

9 We have incorporated the next AP meeting in our schedule. Where we hope to have all of this in  
10 good form where we can present it to you and we are looking toward the AP meetings as an opportunity for  
11 quote, public review, which is required under the guidelines, since these meetings are open to the public.  
12 And, of course, by September 30th, (inaudible) we will have our complete documents narrowed down.

13 So, to give you an example of the (inaudible) tables, this is (inaudible) shark which Jose has  
14 provided us with the information and we drafted up a table based on life history stage and the parameters on  
15 the -- across the top are more or less designated by the guidelines. And (inaudible) I just wanted to be  
16 indicated as not known. But still, here we are, identifying information (inaudible). (Inaudible.)

17 So, in a nutshell, that's what we're doing. Any questions?

18 MR. DUNNIGAN: What -- aim -- thank you, Sari. I think what we would like to do this afternoon  
19 is talk a little bit about what the process is that they are going through. That there are some large issues --  
20 we've got about five minutes to go. If there are some large issues, we can give that information to Sari, but,  
21 you know, we're not going to decide EFH issues this afternoon. There is going to be a lot of work that gets  
22 done and brought back to you. So let's keep the focus on questions about process and larger issues of  
23 substance. Yes, sir?

1           MR. HUDSON: Rusty Hudson, Directed Charts, that last overhead you had up there on the black  
2   (inaudible) shark provided by Jose Campos, will that be done for each one of the 22 species or all 39 species?  
3           MS. KIRALY: It will be done for all 39 shark species plus all (inaudible) HMS species.  
4           MR. HUDSON: Okay.  
5           MS. KIRALY: As best as we can. In some cases, there may not be enough information to do a  
6   complete table.  
7           MR. HUDSON: Well, obviously you have enough information to identify all 22 a separate fish.  
8   So hopefully you will have a very detailed chart on each and every species.  
9           MR. DUNNIGAN: Maumus Claverie.  
10          MS. KIRALY: If the information is there, sure. If the information is not there, we'll have to  
11   indicate that.  
12          MR. CLAVERIE: Thank you, Jack. Mau Claverie, Gulf Council. Sari, that last sheet you put up  
13   had a list of descriptives across the top and I couldn't read them all because it was off the screen, can you  
14   translate those to the key elements that's described in the definition of habitat in the M-S? I can't correlate  
15   the scientific terminology that goes across the top of the page with the legal words that are used in the M-S  
16   in defining what is EFH was? In other words, where do they grow and where do they eat, where to they do  
17   whatever else is that's on that list?  
18          MS. KIRALY: I don't think I follow you exactly.  
19          MR. CLAVERIE: All right, essentially you described to us how EFH is defined in the law.  
20          MS. KIRALY: Yes.  
21          MR. CLAVERIE: And it says places where fish, and I forget the words -- grow, eat?  
22          MS. KIRALY: What is (inaudible) necessary for spawning, breeding, feeding or growth to  
23   maturity. And my necessary they mean to support a sustainable fishery.

1 MR. CLAVERIE: Okay, where are those words in those comps across the top? Which one of  
2 those is spawning? Which one is eating? Which one is growing to maturity? In other words, how do I  
3 translate what you've done to what the law says?

4 MS. KIRALY: I think it's -- it's on the left hand side.

5 MR. CLAVERIE: Is it?

6 MR. DUNNIGAN: See the life stages there?

7 A PARTICIPANT: I can't see it.

8 MS. KIRALY: Neonates, juveniles, adults, the different stages.

9 MR. CLAVERIE: Well, where do they eat?

10 A PARTICIPANT: Well that's something that will be covered in the text.

11 MR. CLAVERIE: Okay, so it's not on this table?

12 A PARTICIPANT: This is not on this table, no. We do have the narratives. However, what we're  
13 doing is picking out the critical highlights from the text and putting that in tabular form.

14 MR. CLAVERIE: So we'll have something eventually that says this is where they spawn, this is  
15 where they eat, this is --

16 MS. KIRALY: Oh, yeah. We'll also have maps to depict those areas.

17 MR. CLAVERIE: Good.

18 MR. DUNNIGAN: Sonja?

19 MS. FORDHAM: Sonja Fordham. On sharks you mentioned that things were moving along and  
20 that you were getting information from the councils and the states. Recently there has been some attention  
21 by some of the councils and some of the states that they might want to take action to protect some of this  
22 habitat. Particularly (inaudible) and (inaudible) grounds and I'm wondering if you have or could you have any  
23 plans to present this detailed information to the councils, their relevant committees and also the affected

1 commissions?

2 MS. KIRALY: Not per se, and when I say that we are working with the councils who have  
3 obtained information from the states on habitat, this is not strictly with regard to managing sharks. This is  
4 habitat characterization of the coastal zone. And what we will do is work with our technical team in  
5 identifying which of these habitats actually do support sharks and then work from there in trying to identify  
6 EFH such as (inaudible) areas. We're not looking to the states for information that will help us necessarily  
7 create management measures or that sort of thing.

8 MS. FORDHAM: I think that there are states and council members that are interested in moving  
9 particular area of sensitive habitat forward, so I'm just -- I would suggest that you, in this public review  
10 process, that you visit the councils, at least, and perhaps the commissions that have committees for this sort  
11 of thing and present this information. To a lot of people that would really be interested in hearing about this.

12 MS. KIRALY: Sure, well I've been talking to the folks who are heading up the habitat committees  
13 and the councils and we're really aware of what each of us are doing and want to do. And we're going to be  
14 sharing information and that sort of thing.

15 MR. DUNNIGAN: Last question? Sari's got a plane to catch. John Dean?

16 MR. DEAN: On -- I want to follow up on Mau's comment. I think it is very important, that if  
17 when you are developing tables, et cetera, that you do show language that matches up exactly with the Act.  
18 It is very important. And you could put sub-headings under that. But that is a pathway for those of us that  
19 are not inside the system, to follow it. We can relate it back.

20 Secondly, I think it would be appropriate that when you write the table and the text, that this is  
21 written in language that everyone can understand, whether they are not a member of the club or not.

22 MS. KIRALY: Mm-hmm.

23 MR. DEAN: And, frankly, when you look up there and it's says neonates and when it says prey and

1     it says (inaudible), that comes off as just arrogance on the part of either who is writing it or the agency. And  
2     we're really -- it's really important that we communicate with everybody that's in the game. So, you can go  
3     back, internally and re-write, better than we can ask people to go and look it up.

4             MR. DUNNIGAN: Great. Thanks you all for your comments. Sari's got to leave.

5             A PARTICIPANT: And this is not for Sari, necessarily.

6             MR. DUNNIGAN: Okay.

7             A PARTICIPANT: This is a question of clarification. In the outline, where it says fishing  
8     activities that affect EFH, is that going to be in all of the FMPs that we're doing, including this one? Only  
9     the fishing activities in the FMP that affect EFH or is it going to be all fishing activities that might affect  
10    EFH for these species?

11            A PARTICIPANT: It's all fishing activities for all fisheries.

12            A PARTICIPANT: God.

13            MR. DUNNIGAN: Okay. Thanks very, very much. Next item on the agenda is the presentation  
14    that we talked about the focus of the afternoon being over-fishing. And at this point, the next presentation is  
15    coming to us from Dr. Mace about over-fishing concepts as they may apply to these two documents.

16            A PARTICIPANT: I can't even imagine that.

17            MR. DUNNIGAN: Pamela, you are on.

18            DR. MACE: (Inaudible.)

19            MR. DUNNIGAN: The mace problem or the Mace problem?

20            DR. MACE: The mace problem. That's a different one.

21            A PARTICIPANT: There is a gate right here, apparently you can't get through there either.

22            MR. DUNNIGAN: Now, can we have the lights on for a second, please?

23            DR. MACE: (Inaudible) on the screen at the same time. Aim -- can we have the lights down a

1 little bit. (Inaudible.) I was asked to talk to you about cautionary (inaudible) and to try and explore potential  
2 definitions of over-fishing. Or, as we now call them, over-fishing criteria. Specifically for Atlantic HMS.  
3 In this situation of either getting over a cold or getting a new one. I don't know -- please let me know if you  
4 need me to speak up.

5 As you know, the guidelines for apply the national standards on over-fishing have only been issued  
6 as a proposed rule at this stage. There not yet in final form. So that sort of restricts a little bit what I'm  
7 going to say because I don't exactly how it's going pan out yet.

8 In addition, NMFS is also working on technical guidelines for apply the precautionary approach.  
9 And they are also in preparation. I'm not exactly sure what the schedule is, but sometime within the next  
10 couple of weeks, there should at least be out of the drafting team of which I'm a member, should at least have  
11 a version available for (inaudible). I don't know what the schedule is going to be. Anyone who is at this  
12 stage would be available beyond that.

13 But I'm going to try and give you, in any case, despite the fact that those two things are (inaudible),  
14 I'm going to try and give you some background on the precautionary approach and on the related concepts,  
15 like control rules and over-fishing. Definitions, over-fishing criteria and biological reference points. And,  
16 you know, I think there is a pretty wide range of experiences here in terms of, you know, how much of that  
17 kind of terminology people have carried. So people who know all that stuff already, bear with me. We're  
18 going to try and start from the beginning and follow through, hopefully in a logical sequence.

19 What I'm going to do is to start off talking about precautionary approach. What it is -- I'll give a  
20 brief (inaudible) of what it is, how it evolved and who is using it. And then move on more specifically and  
21 talk about over-fishing criteria (inaudible) swordfish, (inaudible) and sharks. Over-fishing criteria being one  
22 specific application in the precautionary approach.

23 Okay, so I want us to get our terms right and talk about the precautionary approach and what the



1 precautionary principles. (Inaudible) distinction. Precautionary principles is something that was formulated  
2 in the 1980s primarily in response to the major (inaudible) that source. And this -- often been -- on several  
3 times has been applied in a fairly extreme form. And, in fact, this is basically what we (inaudible) the  
4 prohibition of -- prohibition of a particular technology, which in this case was (inaudible) drifting. This sort  
5 of a more hard line approach has resulted in a reluctance of the precautionary principles of fisheries. So the  
6 terminology, precautionary approach is being developed and said which is perceived to be somewhat more  
7 flexible and that it incorporates socioeconomic considerations. Accounts for the fact that most fisheries  
8 management decisions are reversible. That they, in general, are not irreversible. So there is this perceived --  
9 it's perceived to me more acceptable and in the case of fisheries, the hard line approach is not so essential.

10 Okay, just to give you -- just to give you a very brief version of the history of the evolution of the  
11 precautionary approach in fisheries, I'm going to be skipping over quite a lot here. Of course, it all began  
12 with the (inaudible) Sea, the United Nations Convention on the (inaudible) in 1982. But really, the people  
13 didn't --

14 (End of Tape 2, Side A.)

15 DR. MACE: -- the Food and Agricultural Organization, FAO, of the United Nations. Their  
16 committee on fisheries, which is abbreviated COFE, requested FAO to develop an international code of  
17 conduct. And as a result, the government of Mexico and FAO set up a conference in Cancun in May of  
18 1992. A lot of resolutions at this meeting were carried forward to another conference (inaudible) in Rio,  
19 which was the (inaudible) United Nations Conference on Environmental Development which produced the  
20 Rio declaration and Agenda 21, which is an agenda for the 21st century. I mean, these are all very important  
21 agreements and I'm pretty much glossing over the -- to take you through the history.

22 Aim -- and I'll get into a few more specifics of some of these later on. Then, about the same time,  
23 there were FAO put together technical consultation on high seas fishing. It was in September of 1992. And

1 around a year later, the FAO conference adopted the high seas compliance agreement. And this is -- this  
2 agreement has since been implemented in a number of countries, including the U.S. A -- concurrently,  
3 (inaudible) concurrently was all of this, this development. The development of the Australian stocks  
4 agreement which is my abbreviation for the agreement relating to the conservation of management of --  
5 (inaudible) highly migratory fish stocks. And it was concluded in August of 1995, although the negotiations  
6 started many years earlier.

7 There was an expert consultation to draft technical guidelines to the precautionary approach. That  
8 produced a very extensive set of guidelines. And, finally, in October, the FAO conference adopted an  
9 international code of conduct for responsible fisheries. So, 1995 was basically a great, busy year in this --  
10 these developments.

11 The next few slides, I want to just pull out from these agreements, some of the key references to the  
12 precautionary approach. And I'm not even going to go through all of the different agreements. For one  
13 thing, they are very, very lengthy and all I'm doing is pulling up what I think are the really key things with  
14 the word precautionary approach is mentioned.

15 So, first, from the Rio declaration of 1992, the principle 15 of this declaration says that in order to  
16 protect the environment, the precautionary approach shall be widely applied by states supporting the  
17 (inaudible). Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not  
18 be used as a reason for postponing cost-effective measures to prevent the migratory degradation.

19 Now, I should mention that a lot of the agreements that I just quickly went through, that were  
20 negotiated are non-binding agreements. For example, the FAO code of conduct is a non-binding agreement.  
21 The high seas compliance agreement is a binding agreement. Australian stocks agreement, which I think is  
22 very, very important, that some (inaudible) stocks of highly migratory fish stocks will be binding agreement  
23 when there are enough signatures. It's still lacking a few signatures.

1           Now this actually contains, in terms of what we're talking about today, biological reference points  
2   and over-fishing criteria, I think this sort of really contains the meat of it. Even though this agreement  
3   doesn't apply to all fisheries, it actually is being looked at. Even for people not working on HMS and  
4   (inaudible) stocks. So, the essential message of the precautionary approach is basically contained in what's  
5   called Article 6 of this agreement and Annex 2, which I'll show you on the next overhead.

6           And it requires determination of stocks, specific reference points, action to be taken if they are  
7   exceeded. (Inaudible) available scientific information, implementation of improved techniques for dealing  
8   with uncertainty, account of uncertainties (inaudible) species, development of appropriate data collection,  
9   research and monitoring programs. And application of the guidelines and the Annex.

10          This annex, Annex 2 -- aim -- is a one page document, seven paragraphs. I've pulled out three of  
11   what I think are the key paragraphs. Annex 2 stipulates that you need to define two types of precautionary  
12   reference points. Conservation or limit reference points and management or target reference points. That  
13   fisheries management -- that's in paragraph two. That fisheries management strategies shall ensure that the  
14   risk of exceeding limit reference points is very low. And that target reference points should not be exceed on  
15   average. So target reference points -- you would fluctuate around them, but limit reference points should not  
16   be approached.

17          And, finally, I think this is -- this is really a fairly crucial point is that the fishing mortality rate,  
18   which generates maximum sustainable yield, shall be regarded as a minimum standard for limit reference  
19   points. Now, simply in terms of over-fishing criteria, this is a key feature. It starts on paragraph seven,  
20   because, you know, in the past, MSY has been thought of as a target. A target you would fluctuate around,  
21   not a limit. This is setting a minimum standard for a limit reference point, so it's basically saying that  
22   fisheries should not be exploited and (inaudible) ever.

23          Okay. Aim -- as I mentioned, the FAO international code of conduct, which by the way, all of these

1 documents have -- are talking about pretty lengthy documents. The international code of conduct has 210  
2 paragraphs on standards and 19 general principles. You can get copies. If people want to let me or someone  
3 else know, we can get copies of them for people. But, the code of conduct, which is non-binding, it still  
4 incorporates or embodies other elements that are binding. For example, the high seas compliance agreement  
5 and the (inaudible) stocks agreement. In fact, they are all negotiated at much the same time, so they all  
6 contain elements that -- one from another.

7           So there are six things covered here. Fisheries management, operation, agriculture development,  
8 integration and fisheries of the coastal area management, (inaudible) practices, fisheries research. Obviously,  
9 they are not all relevant to (inaudible) fisheries. Certainly agriculture isn't. It isn't necessarily. And in terms  
10 of the precautionary approach, the precautionary approach might not necessarily be mentioned specifically in  
11 each of these areas.

12           But what I want to point out is that the scope of the precautionary approach and the code of conduct  
13 is extremely broad. Precautionary approach, again, this is another very lengthy document outlining elements  
14 of the precautionary approach that was developed as a result of an expert consultation that FAO sponsored. It  
15 covers -- well, three sub-areas of relevance to us. Precautionary approach to fisheries management, fisheries  
16 research, fisheries technology and species introduction, which is not something we would necessarily want to  
17 consider here.

18           I actually -- I have some overheads that outline all of -- not all, but selected elements of each of  
19 these aspects of the precautionary approach. Fisheries management, fisheries research how -- how to conduct  
20 research that would support a precautionary approach to fisheries. How to conduct or promote fisheries  
21 capability that would promote a precautionary approach. But I'm not going to show them unless someone  
22 wants to look at them later on because I don't think they are that pertinent to the focus of this meeting,  
23 which is over-fishing criteria and rebuilding plans.

1           But what I do want -- the reason -- the whole reason I showed that stuff was that I do want -- I do  
2   think it's necessary give the precautionary approach is really being developed at an accelerating rate  
3   throughout the world. Aim -- is that -- people -- we should keep in mind that the precautionary approach  
4   involves just about every facet of fisheries management, research and technology that you can think of.

5           So, basically, even though we might be focusing at the moment on biological reference points and  
6   harvest control rules, we shouldn't forget other relevant concerns. And here are just some sort of key  
7   examples from the precautionary approach. Such as a need to develop excess control systems to ensure  
8   fishing capacity is commensurate with resource productivity. Evaluate alternative management systems and  
9   institutions. Improve quality and reliability of out put -- of input data. And improve monitoring and, of  
10   course, design of environmentally friendly fishing gears and so forth.

11           There are -- you know, there is a very long list of things where people have put the precautionary  
12   approach -- include the precautionary approach (inaudible) applying. Aim -- I just wanted to point out that  
13   there are a lot of organizations that either have or currently applying the precautionary approach. (Inaudible.)  
14   International Whaling Commission and three international organizations that actually have -- had already  
15   applied something that could be called a precautionary approach before -- before the terminology became  
16   popular.

17           The International Commission for the Expiration of the Sea and the North and West Atlantic  
18   Fisheries Organization are two organizations that are currently very, very actively developing precautionary  
19   approaches and biological reference points that correspond to the precautionary approaches. And there are  
20   reports of study groups and so forth. Again, very lengthy reports that, you know, if people are interested,  
21   they can look at them.

22           The North Atlantic Salmon Conservation Organization and ICCAT are two organizations that have  
23   just started looking at the precautionary approach. ICCAT set up an ad-hoc working group which will

1     probably meet within the next few months to discuss application of the precautionary approach, with specific  
2     reference to Atlantic HMS.

3             There are two new international agreements. One, the first one is dealing with HMS in the western  
4     and central Pacific and the second one, the Southeast Atlantic Fisheries Organization, which actually deals  
5     with all species, -- species other than HMS. But both of these are in the process of setting up new  
6     conventions. And they are both pledged to adopt the precautionary approach and uphold the requirements of  
7     the (inaudible) stocks agreement.

8             And, of course, there are many countries, U.S. included, that are developing domestic interpretations  
9     of the precautionary approach. I used to have a list of them. I just -- (inaudible) about Canada, Australia,  
10    New Zealand, South Africa, European Union and, I think, I think almost everyone else is at least starting to  
11    think about developing -- further developing the precautionary approach domestically.

12            A PARTICIPANT: Pamela, could I ask for clarification?

13            DR. MACE: Yeah.

14            A PARTICIPANT: My understanding is that ICCAT's scientific committee has indeed set up an ad-  
15    hoc working group to look at the precautionary approach, but that the commission, itself, has completely  
16    rejected -- the discussions last year faltered terribly from what I recall. So maybe Jerry or Joe could tell us a  
17    little more whether or not ICCAT is, quote, discussing the precautionary approach, or if the scientific  
18    committee is going to be discussing it. I think it's an important distinction.

19            DR. POWERS: Okay, my name is Joe Powers. I'm with the National Marine Fisheries Service in  
20    Miami, but I'm also the chairman of the ICCAT's scientific committee, the standing committee on research  
21    and statistics. Basically what Dave said is correct. The -- the agreement was that the FCR or the scientific  
22    committee would set up an ad-hoc working group to discuss the issue of precautionary approaches and what  
23    they might mean in terms of ICCAT.

1           The commission, itself, gave no guidance to the committee. And they had an opportunity to do so.  
2       There was actually some discussions about whether there should be guidance, but in effect, there was no  
3       guidance from the commission about what the scientific committee should do. So in essence, from our  
4       stand-point, from the scientists stand-point, we are basically trying to -- at least scope out what the  
5       significance of these things might be for ICCAT, for the commissioners. But there is not set decision patters  
6       to be made from this. Thank you.

7           DR. MACE: Okay. It's a good place to break with the questions, actually, because I'm basically  
8       finished with my background on the precautionary approach. And, as I'm sure you can imagine, there is a lot  
9       more to it than that. Some people in this room (inaudible) very brief.

10          So, I now wanted to move onto over-fishing criteria. Which -- over-fishing criteria is being a  
11       specific application of the precautionary approach. But from here on, I'm just going to -- I'm basically going  
12       to focus just on the U.S. situation.

13          Okay, it seems that, just when we are all getting used to over-fishing definitions based on  
14       recruitment over-fishing. Everything was changed when Congress re-authorized the M-S and I want to talk to  
15       you as I'm sure most people are aware, I'm saying the most significant changes in the M-S or the most  
16       significant change, of course, I'm only talking about with respect to over-fishing criteria, was the definition  
17       of optimum yield.

18          OY used to be defined as maximum sustainable yield from a fishery as modified. As modified by  
19       any relevant economic, social or ecological factor. It's now defined as maximum sustainable yield from a  
20       fishery as reduced by any relevant factors. Now the act also defines over-fishing as a rate of fishing mortality  
21       that (inaudible) the capacity of fisheries to produce maximum sustainable yield on a continuing basis.

22          I think the net effect of these two definitions, along with other language in the (inaudible) is that it's  
23       no longer permissible to exploit fisheries beyond the MSY level. MSY is basically the upper limit. And

1 the ultimate result of that is that many U.S. fisheries, because of these changes in the Act, will need to be  
2 managed much more conservatively. Many, not all.

3 Okay, (inaudible) puts a fairly substantial (inaudible) on the level of exploitation. But the details of  
4 how to actually interpret information -- or apply these over-fishing definitions were left to the national  
5 standard guidelines which, as we all know, are still in proposal form. So I have taken an abbreviated form of  
6 the status determination criteria and their proposal. Basically, the national (inaudible) guidelines proposed  
7 will -- says that in all cases, status determination criteria of (inaudible) must specify a maximum fishing  
8 mortality threshold and minimum stock size threshold.

9 The maximum fishing mortality threshold is defined as a -- as a fishing mortality that can't exceed  
10 the level associated with MSY. And exceeding that fishing mortality threshold constitutes over-fishing. The  
11 minimum stock size threshold is defined as a situation where (inaudible) cannot fall below half the MSY  
12 stock size and/or an alternative which says all the minimum stocks (inaudible) at which rebuilding to the  
13 MSY level would be expected within 10 years of the stock were exploited at the maximum fishing mortality  
14 rate, whichever of these is greatest.

15 Now, I'm sure you are all familiar with this language. I'm (inaudible) room to put that alternative  
16 on my overhead, but I actually tried to simplify things down for the purposes of this (inaudible) because the  
17 alternative (inaudible) which depends on how quickly stocks can rebuild, is a subject that I basically wanted to  
18 (inaudible) until tomorrow discussion on rebuilding. Although it will come in a little bit to the rest of my  
19 (inaudible).

20 A PARTICIPANT: Can I ask you a question for clarification? If a stock size is at just one fish  
21 above half, and that's (inaudible) and you are fishing at the (inaudible) -- and you are fishing at the (inaudible)  
22 associated with MSY, isn't that over-fishing? Isn't that going dry the population down further?

23 DR. MACE: Yes, because the M-S also talks about approaching (inaudible). Is that what you



1 mean?

2 A PARTICIPANT: In other words, the only way you can fish at the MSY level and not drive the  
3 stock down further, is if the stock is at the MSY by-pass?

4 DR. MACE: Can you wait until -- I can get kind of more than (inaudible). If you don't mind, I  
5 may end of having the rest of my talk.

6 A PARTICIPANT: It's a super point of confusion.

7 DR. MACE: It's a what?

8 A PARTICIPANT: It's a point of super confusion.

9 DR. MACE: Yeah. I -- now I've called these first line of defense and second line of defense, which  
10 is language which is not in the Act, nor in the guidelines. It just happened -- I happen to like it. Aim -- I'm  
11 not necessarily in the majority with this. (Inaudible) went the chair, refused to let us use those terms. But I  
12 like them because, basically, it's saying that having the maximum fishing mortality is your first line of  
13 defense.

14 And, in fact, if you could maintain fishing mortality at or before FMSY forever, that should be  
15 adequate. You know, in theory, except in very exceptional circumstances, the stock should be able to be  
16 sustained and at a fairly high level and producing reasonable long term yields at close to the maximum long-  
17 term average. That's in theory.

18 However, so I think this -- I think of the (inaudible) criteria as being a second line of defense.  
19 Basically, if you fail, if there is problems with assessments, if there is problems with implementational  
20 waiver and the stock falls to low levels, and this is the second line of defense, environmental factors could, in  
21 fact, also be the reason why you get into this situation. And also we have to consider this because a lot of  
22 our -- a lot of the stocks in the U.S. are already in this situation.

23 So, you don't necessarily need to use those terms, first line of defense and second line of defense.

1 Aim -- in fact, you probably shouldn't but I think, you know, for showing it as really the fishing mortality  
2 criteria is the one that if we can -- if we can just keep fishing mortality at or below FMSY, then everything  
3 would be great.

4 So, here I'd like try and give you some precise definitions of the reference points associated with  
5 MSY. Since I'm sure you are going to be seeing a lot of them in the near future. There is really only three  
6 of them. First of all, MSY itself, which is the largest long-term average yield that can be taken from a stock  
7 or stock complex under prevailing conditions.

8 Second is FMSY, which is usually written with MSY sub-scripted to the F. This is a constant  
9 fishing mortality rate that results in the largest long-term average yield, that is MSY. The easy was of  
10 thinking of that is like it's taking a constant proportion of the stock. Constant percentage. Let's say 20%.  
11 It's going to vary from stock to stock. But something like taking 20% from the stock every year.

12 And FMSY is the long-term average stock (inaudible) that would be achieved under a constant  
13 fishing mortality rate that generates MSY. When you put it all together, what you are saying it that fishing  
14 at a constant rate of FMSY will result in an average stock size equal to VMSY and average yield of MSY.  
15 So, if MSY and using these definitions that I've given, if MSY is a constant in terms of a percentage, that  
16 was 20% of whatever -- 20% or whatever of the stock that's there and that will result in the stock size that  
17 fluctuates due to the fact that recruitment fluctuates and the average yield fluctuates. But these will be  
18 something like the average values, the MSY and VMSY.

19 Now the simplest interpretation of the status determination criteria that are in the national standard  
20 guidelines, and that's consistent with the M-S, is -- is when the MSY control rule is a constant fishing  
21 mortality and fishing stock is productive and resilient and can rebuild quickly so we can -- we don't have to  
22 worry too much about it falling something around a half a VMSY.

23 Then fishing mortality greater than FMSY would constitute over-fishing. And (inaudible) less than

1 a half of VMSY would also be considered to be over-fished and a rebuilding time would be needed. And the  
2 reason I suggested that (inaudible) example for a productive stock, is just so that -- all of the level of which  
3 the stock could rebuild within 10 years, if it were exploited at the maximum fishing mortality rate would  
4 kick in.

5 Now, in terms of alternatives, if you want to look at alternative over-fishing definitions, basically,  
6 alternatives for this that would satisfy the proposed guidelines and the M-S, there actually isn't much leeway  
7 for having (inaudible) that are -- that are less conservative than this. Although, of course, there is always  
8 possible to be more conservative, but basically this is a fairly literal interpretation. At least the people who  
9 have developed the proposed rules and the guidelines -- sorry the proposed rules think so.

10 So the alternatives to having an over-fishing definition that looks like this. Let me go through  
11 some alternatives with you. One thing you can do is to use proxies for MSY. And the main reason,  
12 actually, that you'd want to use proxies or substitutes for MSY based reference points, is in the cases where  
13 MSY can't be estimated or can't be well estimated. There is a whole long list of proxies for MSY, but I've  
14 just listed a few of the more common ones here and we don't need to get into great detail about what they are.

15 But the first two, there are -- (inaudible) fishing mortality reference points from (inaudible) analysis.  
16 (Inaudible) maximum yield to recruit. (Inaudible.) These (inaudible) I'm giving you these because I'm sure  
17 you are going to be seeing them a lot from now on. These ones here are analogous to what people might be  
18 used to thinking of as percent MSP, percent maximum sporting potential. But instead of talking about  
19 things like 20% MSP, probably, you know, what you could talk about now (inaudible) definition is  
20 something more in the range of 33% MSP. Another alternative would be to match the mortality to this  
21 upper case and as an estimate for our maximum fishing mortality.

22 Okay. Whether you use MSY, FMSY, (inaudible) or some other substitute, how they are used  
23 needs to be put into some kind of control rule. Now, I think the easiest way of expressing control rules is in

1 a pictorial form or a graphical form. So I'm going to -- yeah, you can put it in words, you don't have to put  
2 it on a picture, but I think this is really quite a useful way of thinking about it. And I think control rule is  
3 something that you are going to be seeing a lot more of now, too. Especially with the technical guidelines  
4 that NMFS is producing on the precautionary approach.

5 It's just a very easy way of expressing (inaudible) -- see the bottom of that here. Okay, so what a  
6 control rule says is that for a given (inaudible), you determine where you (inaudible) level, either in absolute  
7 terms or relative to VMSY and then that will be (inaudible). Then basically there will be a corresponding  
8 fishing mortality rate which is what fisheries managers should set fishing mortality to for that year.

9 So in the simplest type of control rule, MSY control rule, basically says that regardless of what  
10 your (inaudible) is, set your fishing mortality at FMSY. Except maybe at very, very low stock sizes and the  
11 unlucky event that you will stop (inaudible) so low. Now, all other things equal, this control rule will  
12 generate the maximum average long term yield. You can't do any better than this, basically. But you can do  
13 it differently.

14 A simple variation on that rule which is now at a dashed yellow line, would be to have a fishing  
15 mortality rate that takes a higher proportion of the stock at high (inaudible) levels and a lower proportion at  
16 low (inaudible) levels. Now I've provided you estimated those proportions correctly, this kind of control rule  
17 would also generate the maximum average long term yield, although, in this particular case, the catches  
18 would be much less stable. You'd have really high catches when the stock was high, and probably almost  
19 nothing when (inaudible) lower.

20 Next we're looking at the alternative of developing a precautionary control rule. Now there is  
21 infinite possibilities for how you can develop a precautionary control rule. And the solid green line here  
22 shows one possibility for doing it. Precautionary control rule might be one where you fish at a fishing  
23 mortality of FMSY provided (inaudible) is above your average VMSY level. Then you decrease fishing

1 mortality proportionately as (inaudible) declines.

2 At first glance, precautionary control rules such as this may make it seem that you are sacrificing a  
3 lot in terms of yield, but that's not necessarily true. Jack, how long do you want me to speak for?

4 MR. DUNNIGAN: Five -- another five minutes. How much more do you need?

5 DR. MACE: Ten minutes, maybe, five or ten minutes.

6 MR. DUNNIGAN: Ten, five to ten.

7 DR. MACE: Okay. All right. I just wanted to show you a simple example, actually, of how a  
8 precautionary control rule such as this -- this is not the one I'm going to use actually, might translate into  
9 sacrifices in terms of fishing mortality in the (inaudible). In fact, a fishing mortality rule that -- oh, I'll show  
10 it on the next slide.

11 Okay, these are the results from some modeling work that I did a few years ago when the (inaudible)  
12 stocks agreement was being negotiated. This is a hypothetical fish stock that's average in every way.  
13 Average productivity, average level of recruitment variability, a model stock, though. Perfect knowledge and  
14 so forth. For this particular hypothetical stock, if I read this (inaudible) is that if you are fishing at a  
15 particular fishing mortality rate, let's say fishing at a mortality rate of 0.2 and you would go out to the green  
16 curve to read off what your corresponding yield would be, which is scalable on that axis, and to your red curve  
17 to estimate what the probability of (inaudible) being below your average VMSY level would be. And by  
18 probability, I mean the percentage of years and used simulation that you would be below that VMSY level.

19 So, see with a fishing mortality of 0.2, you have almost a 100% probability of being -- at almost  
20 every year you'd be below VMSY and that's because in this particular example, 0.2 happens to be (inaudible)  
21 FMSY, which is a point that gives you the maximum yield.

22 So let's say that you had developed a precautionary control rule, where you said that you wanted to  
23 have no more than a 5% chance of falling below VMSY, so 5% on this axis here, is this purple line that I've

1 drawn on the 5% line. Where that intersects the red curve -- I'm sorry, that is the 5% line. Where it  
2 intersects the red curve here is the 5% probability of (inaudible) being below VMSY. That amounts to about  
3 a -- quite a reduction of fishing mortality, actually. About a 30% reduction over -- compared to FMSY.

4 To get from here to here, but, on the yield curve, the different in yield between those two points is  
5 only 5%. So basically, you have a 30% reduction of fishing mortality for a 5% reduction in yield. And that  
6 gives you a very low probability of stock size becoming low. And this is just one model. There are different  
7 -- I just really wanted to give you the examples to say that having reductions in fishing mortality don't  
8 necessarily translate into big reductions in yield. Because we're talking about a long-term average.

9 Okay, my next overhead -- I tried to put together (inaudible) form that I had before of the status  
10 determination criteria in a simple control rule context which caused a computer malfunction. So -- this  
11 (inaudible) about the best I could do at present. Printer wouldn't print it and then it crashed my computer, so,  
12 anyway let me see what I can do with this.

13 This is -- I'm trying to put together everything I've said into, like, one simple -- what it actually is  
14 is a limit control rule. It's not necessarily a target control rule. I'm not going to get into that distinction at  
15 the moment, but we probably will have to at some stage. This is actually a limit control rule.

16 And what it's saying is that as long as fishing mortality -- sorry, as long as (inaudible) is the below  
17 this (inaudible) a half of VMSY or (inaudible) point, you can fish at a level of FMSY. Going above that  
18 constitutes over-fishing. And going below the half VMSY or possibly some higher point, means the stock  
19 is over-fished. If you over-fished and over-fishing, then -- you know, I don't know what terminology to use  
20 but something like danger zone might be what you would use. If you're above VMSY, the mortality rate is  
21 below FMSY, you're in a (inaudible) region. And this region here you might also be in an acceptable region,  
22 but you might want to recommend monitoring the fishery closely to make sure that it doesn't go over this  
23 boundary.

1           Now, what these arrows here represent, these orange ones, kind of got them here -- is that the stocks  
2   that can't rebuild very rapidly that have kind of life history characteristics that don't allow them to rebuild  
3   rapidly, you might want to move this whole threshold up. Another think you might want to do to introduce  
4   an element of precaution, is to start reducing fishing mortality at a level of VIMS that's higher than this  
5   threshold. Just start reducing it down to ensure that you basically never get into a situation.

6           Okay, what I did --- what I did in my -- in my SCRS paper, which you've all received copies of -- at  
7   least people on the AP have received copies of, was to use basically this particular rule. This particular  
8   precautionary control rule to limit -- precautionary limit control rule to classify HMS in terms of whether  
9   over-fishing is occurring or the stock is over-poached. So using this control rule, it's a simple interpretation  
10   of the status of (inaudible) criteria.

11           The next view overheard basically summarizes what's said in I think table 1 of the SCRS document.  
12   Although that was based on the 1996 SCRS report. So, I've updated it for this presentation. Though  
13   actually, I think the only one that changed (inaudible) tuna I think is the only and actually this actually  
14   needed -- so I'm just going quickly go through (inaudible). There is not much information on each page.  
15   You know, I want to point out that I'm just using a very simplistic interpretation of everything. Using a  
16   simple set of standard determination criteria to say whether or not the stocks are in an over-fished condition or  
17   whether or not over-fishing has occurred.

18           And for bluefin tuna I didn't -- the reports didn't have an estimate of FMSY so I used (inaudible) as a  
19   (inaudible). They are quite different. I'm not sure -- it could be debated as to which one was the most  
20   appropriate. But one of them, as you can see, gives -- which suggests that over-fishing is occurring. One of  
21   them would suggest that it's maybe not or is close. The VIMS ratio over 13% would be considered to  
22   represent an over-fished condition.

23           Let me just go onto the other one. Yellowfin, based on -- this is all based on the most recent

1 NCRS assessment, yellowfin would be considered, based on the ratios, to be not over-fished and not over-  
2 fishing, although, you must admit it's getting pretty close to it. So it's ratios are not much different from  
3 one. And also, the assessment for the yellowfin is very old. Although, actually, the indications that we have  
4 for the yellowfin that maybe fishing mortality might have gone down in the last few years.

5 Big eye is a little bit of a different story. Big eye, the fishing mortality rate looks like it's been  
6 going up in recent years. And the VIMS has been going down, based the simple criteria that I've presented,  
7 you would say that big eye were approaching an over-fished condition and that they were experiencing  
8 probably severe over-fishing. And that's mostly to do with the increasing use of fish aggregation devices and  
9 the increasing catches of small fish.

10 Swordfish, again, just based on a simple (inaudible) determination criteria, fishing mortality rate that  
11 is twice FMSY and more than twice FMSY which suggests over-fishing. VIMS approaching an over-fishing  
12 condition and (inaudible) is quite possible. And it's based on the 1996 assessment.

13 Blue marlin -- fishing mortality ratio that's almost three times FMSY, the VIMS level that's only  
14 25%, 24% of MSY which would suggest a severely over-fishing. Severe over-fishing.

15 White marlin -- similar sort of situation. Fishing mortality twice FMSY, VIMS 23% of the MFY,  
16 severe over-fishing. Condition was severe over-fishing.

17 Large coastal sharks, the assessment (inaudible) used numbers rather than VIMS (inaudible) MSC.  
18 And I've used the symbol of M for numbers rather than V for VIMS. Aim -- in this case, fishing mortality  
19 rates, depending on the (inaudible) that was used, one and one-half or twice the MSC and numbers of sharks  
20 getting, you know, somewhere around 63% to 68%, depending on the model, which would mean they are  
21 approaching an over-fished condition or a severe over-fishing.

22 Okay, so what's next? Basically, we need to take (inaudible) control rule that my computer spit out.  
23 Which I am embarrassed to put up on the screen again, but I will. Okay, this form of the control rule



1 (inaudible) further develop it to account for the speed of which the species we deal with can rebuild. In other  
2 words, we need to take the control rule and determine whether this half VMSY is an appropriate threshold for  
3 determining when a rebuilding plan is needed or whether, in fact, it needs to be moved up in terms of VIMS.

4 We need to check whether what we come up with is consistent with the national standard guidelines.  
5 Especially with respect to national standard one. And also the guidelines on MSY control rules and  
6 precautionary approaches that also is currently in development. And, of course, the -- very much need the  
7 input of this group on how to formulate over-fishing criteria and control groups.

8 So, basically, all I have to say is that if people have question or how do you want to do it?

9 MR. DUNNIGAN: Let's start with questions. Nelson? Put the lights on.

10 MR. BEIDEMAN: I wanted to go back to the precautionary approach, Pamela.

11 DR. MACE: Okay.

12 MR. BEIDEMAN: And, you know, in these fisheries, we've got a huge disparity in the monitoring  
13 and data in the different fisheries. So basically my question is, how can the precautionary approach be used in  
14 making such things as estimates of by-catch and all the HMS hook and line fisheries, when we only have one  
15 that's been monitored and has data? And, also, the same goes for by-catch.

16 DR. MACE: Well, actually, that's a really good question. In fact, part of the precautionary  
17 approach is to (inaudible) it and (inaudible) research and collect the necessary data and improve the quality of  
18 the data bases. Other (inaudible) is that -- and this part is going to probably quite difficult, but basically, the  
19 higher the uncertainty, or the list of (inaudible) the more precautionary we should be. So in other words,  
20 where there is less data, there should be more stringent regulations.

21 MR. BEIDEMAN: Well, that's going to be quite a shift in our management. Because, basically,  
22 we have been ignoring everywhere that we don't have information for it. I mean, it's even said to me today,  
23 that, well, we don't know what the post-released mortality is in recreational fisheries, so we can't do anything

1 about it.

2 DR. MACE: Right.

3 MR. BEIDEMAN: But this policy shift will now mean that we have to count -- look very  
4 concentrated at that --

5 DR. MACE: Yeah, I mean, it kind of is a little bit of a change, but, in fact, if we had adopted a  
6 precautionary principle, you know, which is much more high line, we would probably say it also has to do  
7 reversal in the burden of proof. You know, who bears the brunt of the burden of proof. We'd probably say  
8 something like, if you can't prosecute fisheries unless there is (inaudible) proved that it's not going to have  
9 an effect on the environment. Now we're not doing that in terms of the precautionary approach. But we are  
10 saying that where there is less knowledge and greater uncertainty, that those fisheries should be prosecuted in  
11 a much more cautious manner.

12 MR. BEIDEMAN: Okay, wouldn't that even be more important in cases such as where immature  
13 catches would heighten the fishing mortality levels?

14 DR. MACE: Aim --

15 MR. BEIDEMAN: Even more important to have a precautionary approach when you are talking  
16 about juveniles?

17 DR. MACE: Yeah, if it's proved that --

18 MR. BEIDEMAN: The uncertainty?

19 DR. MACE: Having a high by-catch of juveniles (inaudible) to the fisheries, then yes. I mean,  
20 that would be an element of precautionary approach. In fact, the precautionary approach does, I think I can  
21 remember the exact language. But it does say something about minimize fishing mortality on juvenile --  
22 juveniles of a given species, unless there is very strong protection of the spawning component. So, it's in  
23 there. In fact, I don't happen to have that document with, though. Do you have the guidelines?

1 MR. BEIDEMAN: Yeah, yeah, I have another question, but it's further down the road of (inaudible)  
2 all?

3 MR. DUNNIGAN: Let's come back to it. Okay?

4 MR. BEIDEMAN: Okay.

5 MR. DUNNIGAN: Stick to the table first. Bob, you're next and then Alan.

6 MR. HUETER: Bob Hueter. Pamela, are there any guidelines for the application of statistical  
7 confidence limits in the precautionary approach? In other words, when you use the precautionary approach,  
8 always select upper or lower (inaudible)?

9 DR. MACE: No -- I don't think in terms of selecting confidence. As a matter of fact, that's  
10 definitely not a part. In fact, we -- we've been having a debate about this whole idea of precautionary science  
11 versus precautionary management and saying that the science should be the basis line. It shouldn't be.

12 Science itself, it produces an assessment, should not be precautionary. (Inaudible) and then you  
13 apply precautionary management on top of that. Because, you know, basically, you don't want it deliberately  
14 biased. The science (inaudible) so (inaudible) is that you are applying the best science with the best  
15 estimates. You know, essential tendencies of confidence intervals and then the management that you apply to  
16 that would select precautionary reference points such as FMSY or maybe a lower fishing mortality rate. So I  
17 don't know, did I answer your question?

18 MR. HUETER: Yeah, but I don't really understand your point that there is some bias in science by  
19 selecting, you know, the upper or lower limit because if the data are very good, then the limits are going to  
20 be very tight. So, therefore, you are going to be very close to the estimate. If the data is poor or sloppy,  
21 which would (inaudible) more a precautionary approach, then your lower and upper limit is --

22 DR. MACE: Okay, it depends on what you're talking about. If you are talking about selecting  
23 different confidence intervals of your estimated MSY, for example?

1 MR. HUETER: Right. Right.

2 DR. MACE: Then I've got (inaudible) your point because that was completely transparent that what  
3 you were doing and is a management action. A management action to select a lower confidence and develop -  
4 -

5 (End of Tape 2, Side B.)

6 A PARTICIPANT: I do not think that there will be anything in the technical guidelines. It is  
7 going to be the case of a specific thing. The scientists are going to have to run simulation models and so  
8 forth to figure it out.

9 MR. A. WEISS: Thank you. Alan Weiss.

10 Earlier in this discussion, Mau Claverie had asked a question that was a question on my mind even  
11 before he asked it, and I think it was a good question. I did not really glean the answer to it from the rest of  
12 the presentation.

13 I think, at least from my perspective, the question is what is the reason for focusing on 50 percent  
14 of the MSY as some kind of a trigger point, why is isn't 100 percent; and then for that matter, why isn't it  
15 80 percent or 30 percent?

16 DR. MACE: All right. I guess you are right. You would probably not have gleaned that from my  
17 discussion. For one thing, actually I should go back to my definitions of MSY base reference points. If  
18 you appreciate MSY taking a constant proportion of stock, you would think that the stocks would fluctuate  
19 around the MSY, because of (inaudible) of recruitment and other things. In fact, you expect it to be below  
20 the MSY half the time, and for some models more than half the time. But it should bounce back with the  
21 probability on either side.

22 So that is one reason why you might not want to have the MSY itself as a limit, because you  
23 expect it to fluctuate anyway.

1           The reason for the half of MSY is in fact for the a lot of the stocks that we use, like cod and haddock  
2   and so forth, we actually expect that if you were fishing at half of the MSY, the biomass might vary between  
3   a half and double of the MSY. And that is where the half comes from. So it is a rule of thumb that may or  
4   may not have a lot of basis. It has been around for a long time. If you are fishing at half of the MSY, you  
5   expect the stock to be between half and double.

6           So then half would be okay. But half would not be okay if it were coming from below. In fact, for  
7   many of the stocks that we deal with, letting the stocks get as low as half might not be a good idea. Because  
8   they do not have the (inaudible) of a cod, or a haddock, or a pollack, or whatever.

9           MR. WEISS: Well, that would lead to another question, is that approach then applicable to the  
10   species that we are talking about here?

11          DR. MACE: Part of the proposed guidelines that I did not bother writing down onto an overhead  
12   but that I read out a couple of times is this threshold is (inaudible) or the level at which the stock would be  
13   able to rebuild to the MSY within ten years, if you were fishing at a MSY rate.  
14   So this threshold (inaudible).

15          MR. WEISS: Thank you.

16          A PARTICIPANT: Your application of the control of swordfish showed that we are nearing half of  
17   the biomass of MSY. The current level of fishing mortality was 200 and some percent.

18          Would there be a way to build into the control some application that looks at the acceleration of  
19   fishing mortality over years?

20          In other words, if a stock size dwindles and (inaudible), you can see that your fishing mortality rate  
21   accelerates.

22          Would there be some way to build, so if fishing mortalities are decelerating, and you were  
23   approaching your half biomass, that you would have one tendency, whereas if a contingent accelerates as you

1 move down towards your cut-off point, you might have another one?

2 DR. MACE: So you might have a different synergy depending on whether you are coming from  
3 this direction or this direction?

4 A PARTICIPANT: The speed at which you are moving.

5 DR. MACE: Okay. Sure. That is the thing about these controls. They can get to be pretty  
6 complex. What I tried to do here, since I assumed that I was sort of giving an introduction to this topic,  
7 although I may be wrong for many people here, that I would try to keep it fairly simple.

8 A PARTICIPANT: But Pamela, to follow up on that, is there a way to do a risk assessment?  
9 Because it is a perfect example if you think of bigeye tuna. Very quickly, catches skyrocketed, and  
10 immediately went through  
11 over-fishing. It took a couple of years before an assessment picked it up. Already now, dramatic declines  
12 may be as far down as .6. The same may be true if a population is severely depleted, as bluefin tuna, 1.3.

13 So is there a way to do a risk analysis -- of course, you can build it in -- but is there a way to  
14 mathematically say this is when we would want to trigger it, because if you see a slope of decline because of  
15 high  
16 over-fishing, you would definitely want to act faster. So mathematically build it into the formula.

17 DR. MACE: You could, but basically -- you know, I am sort of trying to think this through on  
18 my feet. If you look at what it says in the proposed rule, if your fishing mortality exceeds FMSY for even  
19 one year that constitutes  
20 over-fishing, and if the associated action with that is to reduce fishing mortality as quickly as possible, if you  
21 saw that it was above anywhere above the FMSY, and you could reduce it immediately, then you would not  
22 ever get into this situation.

23 Bigeye has been above FMSY for at least the last two stock assistance, if not longer.

1           A PARTICIPANT: Because the biomass MSY was holding up, as it would for a short time, and  
2 there was no real panic. And this is not point.

3           DR. MACE: We are talking about how things work in ICCAT. But no, I think that the SCRS  
4 expressed real concern.

5           A PARTICIPANT: That is quite true.

6           MR. WILMOT: If we could think of a way to build in the risk.

7           A PARTICIPANT: Mr. Weiss.

8           MR. P. WEISS: I have a question more for Mariam than for you. The definition of over-fishing in  
9 relation to the ICCAT, according to the Magnuson Act definition, or where the Magnuson Act refers to  
10 unless covered by international treaty, I mean which comes first, domestic over-fishing or  
11 whatever ICCAT decides what over-fishing may be? That is the \$64 question.

12          MS. MCCALL: Well, certainly, when we are looking at the over-fishing under the Magnuson Act,  
13 we need to look at the definition of over-fishing under the Magnuson Act. The Magnuson-Stevens Act,  
14 excuse me.

15          When we get into developing a rebuilding program, and when we are discussing the time period for  
16 the rebuilding program, that is when we are going to have to discuss, take into consideration, and develop  
17 whatever strategy we are going to with that language that you are referring to about whatever is dictated by an  
18 international agreement.

19          A PARTICIPANT: Would you stand up, and state your name.

20          MS. PIKITCH: I am Ellen Pikitch with the Wildlife Conservation Society.

21          Pamela, when you were showing the different species and talking about whether they are over-fished  
22 or not and the definition, were you simply using the definition of being at or below half the MSW, or were  
23 you taking into account the time to rebuild, and whether or not that exceeded ten years?

1 DR. MACE: I keep trying to say that I was using a very simplistic definition, which is certainly  
2 this.

3 MS. PICKETT: So in effect then, since for many of these species that it might well be the case  
4 that their life history would have them take longer than ten years to rebuild, then many of them would be  
5 considered over-fished or several of them might be considered over-fished under the Act?

6 DR. MACE: That is right. If you use the other part of the Act that is supposed to have a biomass  
7 threshold that is half BMSY or the level at which the stock could be built within ten years if you fished it at  
8 your maximum fishing mortality rate, then you would choose the highest.

9 It is a complication that is one that obviously we are going to have to take into account. The  
10 reason that I did not want to talk to you today is I think it is more relevant as part of tomorrow's discussion  
11 on rebuilding, you know, when we look at rebuilding time horizons for all of these species. And we can take  
12 the controls that I looked at, and determine whether or not the threshold seems to move up.

13 MS. MCCALL: But it is relevant in the sense that you would only develop a rebuilding plan if a  
14 species is  
15 over-fished. And that concept is critical to the definition of what constitutes over-fishing?

16 A PARTICIPANT: They feed back.

17 A PARTICIPANT: Mr. Claverie.

18 MR. CLAVERIE: Mo Claverie, of counsel.

19 Rebecca, I have two questions that may or may not be linked. I am not sure.

20 FMSY is a rate of mortality, right?

21 DR. LENT: Yes.

22 MR. CLAVERIE: Can I say that it is the rate that will either maintain a stock at BMSY or rebuild  
23 it from below that up to it?



1 DR. LENT: If you were fishing at FMSY, you would fluctuate around the BMSY. BMSY would  
2 be your average biomass over a long period of time.

3 MR. CLAVERIE: Given the language of the ICCAT criteria, does it differ from what you are  
4 telling us?

5 The ICCAT criteria is to maintain populations at a level that would produce MSC. Without  
6 discussing catch and yield, MSY, if we want to call it that.

7 Does that indicate that you cannot let me fall below the MSY level?

8 It seems to me that you have indicated that we can still not be over-fishing, even though the  
9 population may be below biomass.

10 DR. LENT: That is an average level.

11 MR. CLAVERIE: Under the legal criteria of ICCAT, does that then differ from the legal criteria of  
12 Magnuson-Stevens?

13 DR. MACE: Well, the legal criteria of  
14 ICCAT, I do not think there are legal criteria in ICCAT. The ICCAT convention talks about maximum  
15 sustainable catch, and mentions it twice from memory. But it really is not very specific. It never uses the  
16 words over-fishing or  
17 over-exploited. And it does not say what constitutes  
18 over-fishing or over-exploitation anywhere in the convention, or in any of the amendments. It is really a  
19 convention that the ACRS has adopted in terms of whether they classify a stock as having been over-  
20 exploited or not.

21 But even so, and maybe Joan can respond to this too, it is not -- you are really talking about the  
22 level associated with FMSY. You are talking about having a very rigid over-fishing specification as part of  
23 ICCAT.

1           MR. CLAVERIE: I do not agree with that. Because there is distinctly language that says maintain  
2     populations, maintain, which is a very serious word, populations at levels from which the maximum  
3     sustainable catch can be realized. It does not say average population levels. It does not say per year every  
4     now and then. It is pretty specific, and the language is in there.

5           DR. MACE: You have to think of it as an average yield. So it is basically saying that you can  
6     achieve the maximum average yield, if you fish at FMSY. You can fluctuate around the BMSY. So BMSY  
7     is an average. And going below it, as long as your fishing mortality is not above FMSY, there is no  
8     problem with being below this average.

9           MR. CLAVERIE: But I see ICCAT as saying something different from what you are saying. It  
10    does not say maintain an average yield. It says maintain population.

11           Isn't that different?

12           DR. MACE: Yes.

13           A PARTICIPANT: I think that you two are going to need to follow this up together.

14           DR. MACE: Actually though, it is probably more of a scientific issue than a legal issue.

15           DR. LENT: Just a quick follow-up question.

16           Pamela, I understood from your SRES paper that you had laid out the paper with a 0.5 BMSY, in  
17     part because we do not have estimates for some of the ICCAT species or most of the ICCAT species on that  
18     ten year rule, if we maintain the ten years.

19           DR. MACE: Because we have not really been looking at rebuilding time horizons. We just started  
20     looking at rebuilding time horizons. So yes, that paper was done long before we started looking at that  
21     issue.

22           DR. LENT: Thank you.

23           A PARTICIPANT: Jack, my question goes into a different train, if anybody has more on what is

1     being discussed now.

2             MR. FITZPATRICK: Just to clarify something.

3             When you are fishing at FMSY, your population or the real number of fish, can fluctuate 250  
4     percent. You said that it can be half or more. So our confidence here is sort of pretty wide.

5             DR. MACE: That is fairly productive stock.

6             MR. FITZPATRICK: Fairly productive stock.

7             DR. MACE: (Inaudible).

8             MR. FITZPATRICK: But it might apply to tuna.

9             DR. MACE: (Inaudible).

10            A PARTICIPANT: Maybe yellowfin.

11            MR. FITZPATRICK: But 250 percent, that is what we are talking about?

12            DR. MACE: Yes. We are talking about a wide fluctuation. And don't forget that is as much. You  
13     could have stocks, for example, (inaudible), squid and scallops for example, that can fluctuate way more than  
14     that. And actually, they can also be built very, very rapidly. So for them, it is an extra measure of safety.

15            Because we are saying even though if you were fishing at FMSY on these species, it would  
16     probably be all over the place anyway. Basically, you are saying that even so, even given the fact that they  
17     can be built (inaudible).

18            So really, like at half BMSY, is being sort of the safeguard for the very highly productive species.  
19     In fact, for a lot of the species that we work with, the threshold is probably going to be (inaudible).

20            A PARTICIPANT: My question is really a little hypothetical. It will probably go to the  
21     background and the text of the document that we are building rather than anything that we can possibly  
22     resolve. But I know that they are wrestling with this on insure stocks, that perhaps not everything can be at  
23     BMSY all at one time. And this also goes to the essential fish habitat.

1           Because the reason that we have gladicks come into our area during the seasons is to forage. You  
2 know, where those forage stocks are is going to be critical. And they all forage pretty much on the same  
3 prey.

4           And I know from personal experience back in the 1970s when we had more swordfish and we had  
5 more billfish, we did not have the yellowfin. For a little while, we had the bigeye, but now the bigeye is  
6 going down. And we did not have the mahee back then that we have today either.

7           So I do not know where things are with pulling in ecosystem type of hypotheticals into this FMP.  
8 But somewhere along the line, the fishery management is going to have to wrestle with some of these  
9 things.

10          DR. MACE: Yes, I agree that these are complex problems. I guess that one thing that comes out  
11 of that is you need to consider the stock on a stock-wide basis. Because some of what we are talking about,  
12 at least some of it, are local effects. Different distributions, (inaudible), waiting to consider the stock as a  
13 whole, and not focus too much on local conditions.

14          But you are right that the multi-species problem is immense. I did not show you my slide that has  
15 a proportionary approach to research. It talks about ecosystem research. But it specifically says that we  
16 should start looking at the problem of reversibility in the ecosystem. We are so far from being able to even  
17 think about how to tackle a problem like that, because we know so little about how ecosystems function, or  
18 that they have very low predictability.

19          So I agree that the multi-species problem is a big one. And the fact that you cannot maintain the  
20 species at their MSY levels is something that there is going to be a lot of debate on how to deal with that  
21 problem. I do not have the answer.

22          A PARTICIPANT: We are sort of back on schedule. We have some time. I guess that what I  
23 would like to ask you is this. Pamela has given us a framework for considering issues of over-fishing, and

1 defining what those are, what are the criteria we are looking at, what are the control rules that we think would  
2 make the most sense for these species, given this sort of initial injection of background and theory.

3 I guess the question that I have for you, and that the National Fishery Service does too, is where  
4 should they go, what should over-fishing be for the species that we are talking about, how should they be  
5 approaching these criteria and the control rules that Pamela has been giving. What sorts of advice do we  
6 have.

7 A PARTICIPANT: Jack, if Pamela could put up the slide that you had on MSY.

8 MR. DUNNIGAN: The handwritten one?

9 A PARTICIPANT: No, one of the earlier ones. You had a couple of examples of over-fishing.

10 DR. MACE: The definition?

11 A PARTICIPANT: Yes.

12 DR. MACE: You want the species by species?

13 A PARTICIPANT: No, no. It was just before that. This is like the simplest. You can an  
14 example of the simplest definition that go along with the Magnuson.

15 DR. MACE: The half of BMSY.

16 A PARTICIPANT: Allan Weiss.

17 MR. A. WEISS: Well, along the lines of what I had said earlier, I think rather than approaching  
18 this question with a blank screen or a blank piece of paper, it would be more helpful if we had a legal  
19 determination as to what the bounds are in this discussion.

20 Because I suspect that if we had everyone around the table speak to how they would like to approach  
21 the question that Jack has posed, that we would get some people who would like to see over-fishing defined  
22 in a more conservative manner than the law may provide, in a more liberal manner than the law may  
23 provided.

1           And I think that it would be immensely helpful to the discussion to focus it on the range or on the  
2   latitude that the law provides, and work within that rather than just what people come up with just off the top  
3   of their heads.

4           A PARTICIPANT: I will ask Mariam to comment. But my sense is that is what we have been  
5   talking about. A lot of what Pamela has had up here has come out of the law and the proposed national  
6   standard guidelines already. So I am not sure that is a lot more.

7           A PARTICIPANT: But then my question would be how much latitude is there to deviate from this  
8   presentation, so people know what we are talking about. I have no quarrel with what Pamela has presented.  
9   But if the law is so narrowly specified, that that is where we are, then that is where we are, and there is no  
10   sense in talking about it further. If there is some latitude, then I think we need to know the nature and degree  
11   of it.

12          A PARTICIPANT: Gary, do you want to comment?

13          MR. MATLOCK: Yes, let me take a stab at it. It is important I think to the discussion to separate  
14   a discussion about over-fishing and over-fished from a discussion about rebuilding. The definitions relevant  
15   to over-fishing and over-fished that are in the Act apply to every species under the purview of Magnuson-  
16   Stevens, regardless of any international agreement and regardless of anything else. Those definitions are  
17   applicable.

18          The guidelines that we have written as proposed that interpret further the fact that over-fishing refers  
19   to a rate of fishing mortality and over-fished refers to a status of the stocks is applicable to all species  
20   regardless of international agreement and regardless of anything else.

21          The role that the international agreement provisions play is in the provisions relative to rebuilding.  
22   So a discussion about what should or should not be affected by the fact that there is ICCAT in this particular  
23   case is applicable to rebuilding schedules. It is not applicable to the over-fishing and over-fished definitions,

1 nor to the provisions of the proposed guidelines as they now stand relative to over-fishing and over-fished.

2 A PARTICIPANT: Mr. Claverie.

3 MR. CLAVERIE: I wanted to ask you about the bottom part of this slide.

4 The half BMSY, am I correct that you said that that can be because the biomass fluctuates?

5 DR. MACE: Yes, but let me read you the risks. I probably should have included it on the  
6 overhead. This is the biomass system and half BMSY, or the level at which the stock would rebuild within  
7 ten years that were exploited at the maximum fishing mortality rate, whichever of these is high. For  
8 whatever stocks we are talking about, it is going to be a higher level than half BSMY. It is probably going  
9 to be lower than BSMY itself, because BSMY is an average.

10 MR. CLAVERIE: There are a couple of things that concern me.

11 If you can have a biomass of less than BSMY because it is fluctuating, wouldn't you have to be  
12 careful that at least half are above to equal out to below?

13 DR. MACE: That is exactly right.

14 MR. CLAVERIE: Because I see the graphs, and I am looking at CSRS, and it is always below.

15 DR. MACE: Yes.

16 MR. CLAVERIE: It never goes above.

17 DR. MACE: But that is because fishing mortality is away above BMSY. That is the point that I  
18 was trying to make with the first line of effects and the second line of effects. If your fishing mortality is at  
19 or below BMSY, then it will fluctuate around BMSY. If your fishing mortality is consistently above  
20 BMSY, then it will probably be consistently below BMSY. It may be close to it once in awhile.

21 MR. CLAVERIE: (Inaudible)?

22 DR. MACE: Yes. And you can accomplish that by maintaining fishing mortality at BMSY or  
23 lower.

1           A PARTICIPANT: Charlie Moore.

2           MR. MOORE: What is the time frame of that, how many years are you talking about, or how does  
3 it fluctuate over time, what have the triggers been for that, if it is going to fluctuate and stay below or above?

4           DR. MACE: What would trigger a management action would fishing mortality being higher than  
5 FMSY in any given year. And the management action associated with that would be to reduce it. And by  
6 reducing it to a level of FMSY or lower, unless you are really unlucky and you have really terrible  
7 environmental conditions, it will fluctuate around FMSY.

8           Other things that could happen is you overestimate FMSY, that you overestimate FMSY in your  
9 assessments. And that the management system is not perfect, and there is a lot of mis-reporting going on or  
10 something like that. Stuff like that could influence fluctuating around BMSY, when you think you are  
11 fishing at FMSY.

12          A PARTICIPANT: Marcia.

13          \*MS. HASS: My question has to do with a cautionary approach, which I understand I think. But  
14 then when Liz went over her outline, she briefly mentioned something about other fish that we could, and she  
15 used the word exploit. Now I do not see how in a precautionary approach given what we know from past  
16 history when they go fish on sharks, and now we have like half.

17          How can we include in any plan fish that we are going to exploit?

18          DR. MACE: Haddocks I think would be the difference between a precautionary principle which is  
19 applied to pollution and human safety and a precautionary approach that is applied to fisheries. The  
20 precautionary principle would probably say do not exploit any stock until you have proved beyond a shadow  
21 of a doubt that you are not going to have any environment. Whereas the precautionary approach would allow  
22 for exploitation of currently un-exploited stock.

23          There are lots of requirements for providing data, and doing monitoring of the fisheries and do forth.



1 So that would be one position.

2 MR. DUNNIGAN: Remember that Liz said we would not necessarily do it, but it is a thing on the  
3 outline that has to be addressed.

4 Jim Donofrio.

5 MR. DONOFRIO: Jack, thanks.

6 I have a question for Gary. Some of that has been bothering me since the first meetings we have  
7 had. We have been getting into a lot of ICCAT stuff. And I understand that this is a domestic panel talking  
8 about management.

9 Gary, you just stated before that domestic policy will be a priority over any ICCAT tree.

10 Are there any other trees for the agency in this rebuilding?

11 MR. MATLOCK: Is that the question?

12 MR. DONOFRIO: Yes.

13 MR. MATLOCK: That is not what I said. That is not what I said. Let me make sure that  
14 everyone understands, that is not what I said. What I said was that the definitions of over-fishing and over-  
15 fished as contained in the Magnuson Act apply to all species under the purview of the Magnuson Act  
16 regardless of any international agreement. And in this forum in particular, that relates directly to ICCAT.

17 The definitions in the Magnuson Act for those two words are applicable to every species under the  
18 purview of the Magnuson Act. It has nothing to do with setting domestic policy and priorities.

19 So let me say again that what you said, Jim, I said, I did not say.

20 MR. DONOFRIO: I just wanted to make sure.

21 MR. DUNNIGAN: Are there other comments from around the table?

22 A PARTICIPANT: But that does not preclude, and I think I know what Jim is getting at, that is  
23 not to say that the United States is sort of saying to ICCAT that there is no role for you to play in terms of

1 determining some criteria for defining certain shared stocks of high migratory is  
2 over-fished or not over-fished.

3 What you said sounded kind of absolute. That the only place that the international agreement, when  
4 Congress was talking about the international agreements on highly migratory, comes into play is in terms of  
5 the length of rebuilding when there are recovery programs, not that they have no role to play, that ICCAT  
6 has no role to play, in the initial determinations of whether stocks are over-fished.

7 Is that what you meant to say?

8 MR. MATLOCK: No, that is not what I meant to say. What I meant to say was exactly what I  
9 said. That the definitions of over-fishing and over-fished within the Magnuson Act apply to every species  
10 under the purview of the Magnuson Act, whether or not there is an international agreement.

11 And in this case, in this forum right now today, that relates directly to ICCAT. Let me go a bit  
12 further and say that whenever we did the first list of over-fished stocks, that we put out in September of 1997,  
13 what we did was to look at any international agreement that existed. And in this forum, that means ICCAT.

14 And we looked to see whether or not ICCAT had an objective relative to what it was trying to  
15 achieve. What we found is that indeed there is one, and it effectively is MSY, which is the same thing as in  
16 the Magnuson Act, which means then that we listed several species as being over-fished, because their stock  
17 levels were below BMSY, or because fishing mortality rates were higher than FMSY at levels that were  
18 below BMSY. And found that those species that were listed in the SCRS reports that we could glean were  
19 warranted to be included in the list of over-fished stocks, because there was this MSY analogy in the ICCAT  
20 international agreement.

21 So there is a role, and you are correct I believe, that there is a role for ICCAT to play in determining  
22 whether or not over-fishing is occurring, or whether or not a stock is over-fished. But the definitions that are  
23 in the Magnuson Act apply regardless of whether or not there is an international agreement. I do not think

1       that I can be any clearer.

2               MR. DUNNIGAN: I have got to caution you folks, he is getting his voice back. So let's be  
3       careful.

4               We are getting close to the time that we were going to wrap up for the afternoon. And I still think  
5       that what we ought to try to do is to give the highly migratory species division some advice as to how they  
6       ought to go about defining over-fishing for these fisheries and over-fished for these species.

7               And we are talking a lot about the presentation that the panel gave us, and that is good. But we are  
8       now sort of getting on to the next line here of telling Rebecca and the staff as to how to do some drafting.

9               Maumus Claverie, and then we will go to Ellen, and then we will come back to the table.

10              MR. CLAVERIE: Gary, I am a little worried about such a stringent rule. Let me give you an  
11       example of the other side of that coin. Let's suppose that the U.S. definition of over-fishing says that we can  
12       kill 1000 pounds of catfish a year. And ICCAT says that the United States has a quota of 500 pounds of  
13       catfish a year.

14              Now as I understand, we better follow ICCAT, or we are in big trouble internationally. And in a  
15       situation like that, it would seem to me that ICCAT, yes, would supersede Magnuson-Stevens.

16              Now if the shoe is on the other foot, then we have ATCA and Magnuson saying that we have got to  
17       give people a chance to kill as many as ICCAT says we can kill. So I cannot see that we can just say that  
18       the U.S. thing is to be taken in a vacuum. I do not think that is what you are saying.

19              Mr. MATLOCK: This is Gary again. I will try yet again. Please separate the discussion about  
20       over-fishing and over-fished from the discussion about rebuilding. And focus on the comments that I am  
21       making relative to determining whether or not something is over-fished, or if over-fishing is occurring, not  
22       anything relative to rebuilding.

23              If you will focus only on that determination, the law does not say that over-fishing and over-fished

1 is defined as so and so, and so and so, except if there is an international agreement. It does not say that.

2 What it says is that over-fishing and over-fished is whatever the language is with no exceptions, no  
3 caveats, no nothing period. So the determining about over-fishing occurring or a stock being over-fished is  
4 done regardless of whether or not there is an international agreement.

5 In the case of ICCAT, it so happens that the objective of ICCAT is essentially the same thing, i.e.  
6 MSY, as the constraint in the Magnuson Act, which makes for the determinations about over-fishing and  
7 over-fished relatively simple.

8 I have not said a word about rebuilding other than my comments that I have just given to you do not  
9 have a thing to do with rebuilding. I do not know how else to say it now.

10 A PARTICIPANT: Ellen Pitkitch.

11 MS. PITKITCH: I am not on the advisory panel, but I thought that I would give some advice  
12 anyway. I am serving on something called the New England fishery management council's over-fishing  
13 definition review panel. That has a lot of letters in it. And this committee has been meeting since last  
14 September to discuss this very issue for the New England ground fish stocks.

15 And I guess that my advice to this group would be to convene a set of scientists, as was done in that  
16 case, to come up with some recommendations for the group from a scientific perspective, and then to use that  
17 as something that would set an absolute biological constraint for this group to consider. And then perhaps  
18 you could set definitions that were more conservative or more restrictive, but would set the outer bounds.

19 And I thought that I would set one example of the kind of thing that we were doing, if you would  
20 indulge me for a minute, and put up the draft that had the dangers on it.

21 In our panel's deliberations, we found that even though, as Gary Matlock says, rebuilding is different  
22 from whether something is over-fished or over-fishing; however, what we found is that to define whether the  
23 stock is

1 over-fished or not, you must look at rebuilding profiles for an individual species based on these life history  
2 characteristics.

3 And what you would find is that species that have low natural mortality rates are relatively long  
4 lived. You would find that those yellow zones are not enough to define over-fishing. That it would take  
5 more than ten years for most species inside of that.

6 So what we have done is for each species is develop what we call a ten year rebuilding profile based  
7 on the biology alone for each species. And then obviously, the New England council can go from there and  
8 be more restrictive than that.

9 So it is just an idea that it might be a good idea to have a scientific subcommittee or a scientific  
10 committee advising this group first. And that it should be looking at rebuilding profiles prior to giving  
11 advice. And then this group might want to take it from that.

12 DR. MACE: That is a good point that you raise. Species that have long natural mortalities tend to  
13 have other life history characteristics to make it such that they are going to rebuild more slowly than other  
14 species. So in fact, the species with low natural mortality are the ones where this threshold is probably  
15 going to shift the most. Species with very high natural mortality, any of the invertebrates that I mentioned  
16 before, could probably be below yield, although that is actually not going to be allowed at least under the  
17 proposed rules.

18 So this sort of applies to species with moderately high natural mortality and other life history  
19 characteristics like high fecundity, and record grown, and so forth. But for species that are slow growing with  
20 low fecundity and lower natural mortality, you would expect (inaudible).

21 MR. DUNNIGAN: Alan Weiss, and Pete Jensen, and then Russ Nelson.

22 MR. A. WEISS: This is Alan Weiss, and I heard Gary Matlock loud and clear the first time he  
23 spoke. It seems to me what Gary is saying, and I would not dispute his interpretation of the law, is that we

1 really do not have any latitude to use different over-fishing definitions than what is provided in the law.

2 And I do not think that we should use too much of the time of this huge group of people to discuss  
3 something which is fairly much set in stone, and go on to discussing things for which there is flexibility and  
4 other possibilities, and where the input of a diverse group like this could be very useful.

5 MR. JENSEN: I wanted to talk a little bit to the same point. We are bumping up against  
6 something that we often bump up against in fisheries management where we have one rule fits all. And  
7 when you have one rule that you try to apply to every stock of fish that we are concerned about and fish in  
8 this country, then you give up a lot of flexibility.

9 I would like to see this group try to think through how we gain a little more flexibility rather than  
10 what is being called a simple rule. And that is you cannot do anything but what the simple rules tell you,  
11 and try to come up with a little more innovative thinking about how we want to set the guidelines, and how  
12 we interpret them, and how we apply them in the case of what is already a complex situation.

13 I do not know what all the answer is, but I think that with this group of people that we could do a  
14 little bit of good thinking about something other than the very rigid rule that has been presented to us.

15 MR. NELSON: I would echo Alan's remarks. I have a different perspective as well. That we need  
16 fishermen to be able to understand this. And if it is the same as the Magnuson and the same as ICCAT, I  
17 think that it is most easily understood. And if we need to add parameters to that, such as danger zone  
18 parameters, that the panel and the managers would have a higher likelihood of understanding. I think we  
19 could do that.

20 But we need something that can be understood by the fisherman, because it is really their actions  
21 that are going to make the difference.

22 DR. MACE: You know, in response to the last two questions, I think that we can do with control  
23 groups. I tried to put up that simple interpretation as basically

1 saying -- this is a minimum interpretation, actually that is what it is. In fact, your option is to adopt that or  
2 actually something more conservative than that.

3 Three are lots of ways to be more conservative. There are lots of ways of trying to ensure that you  
4 never get into what the changes are. We have got two different situations. The one that we are in now, we  
5 have got to figure out how to get out of it. And there is the other one that we hopefully will not be facing in  
6 the future, and we want to figure out how never to get there.

7 A PARTICIPANT: That should be in this FMP too.

8 MR. DUNNIGAN: Rich Ruais.

9 MR. RUAIS: My advice, although it is not going to be timely for this first round, would be that  
10 this issue clearly ought to be discussed in the SCRS context and the species working groups of ICCAT. And  
11 that whatever comes from that ought to be certainly highly considered for inclusion in either the first  
12 amendment, or whenever the time frame is going to coincide.

13 Obviously now, the next meeting of the group is not going to be until after you have a draft or  
14 shortly after you have a draft available. So you are going to miss that first go around. But certainly after  
15 that, I think you need to include the scientists at ICCAT in these kinds of issues.

16 (End of Tape 3, Side A.)

17 A PARTICIPANT: Over-fishing and over-fished for these species. Could you educate me a little  
18 more on this ten year number that you have. As I understand, you say that your drop dead biomass level is  
19 that it would ten years to rebuild. I assume that ten years comes from (inaudible).

20 DR. MACE: Right.

21 A PARTICIPANT: Is that ten years with no fishing mortality or ten years with some?

22 DR. MACE: No. It is ten years of fishing at the maximum fishing mortality rate. Basically, ten  
23 years of fishing at FMSY.

1           A PARTICIPANT: If that sets the FMSY rate.

2           DR. MACE: That it is used to set the threshold. That is used to set that lower boundary.

3       Basically, what it is really saying is -- this thing about productive stocks that tend to go between half and

4       double. Their approach

5       is (inaudible) and is expected to bounce back quickly, I mean in less than ten years.

6           Whereas for the less productive stocks, you are saying that you need a higher threshold. Because

7       these productive stocks (inaudible). The fluctuation (inaudible), you know, the natural fluctuation is going to

8       be (inaudible). They will take possibly a long time to recover.

9           A PARTICIPANT: If the biomass is at half the BMSY, and you have chosen a BMSY fishing  
10       mortality rate, is the tonnage that can be landed the same as if the biomass was at MSY?

11          DR. MACE: No. Think of it as a percentage. You would be taking 20 percent of the stock say as  
12       an example. So 20 percent of the biomass at BMSY would be twice the 20 percent of the biomass at half the  
13       MSY.

14          A PARTICIPANT: So then there is an economic loss of some kind by allowing the biomass to fall  
15       below the MSY. I am saying allowing. If it falls below, whether Mother Nature did it or whatever.

16          DR. MACE: Basically, that is the problem. We do not have any choice about it. Mother Nature is  
17       going to cause stocks to fluctuate. And we simply cannot take -- let's say you decided MSY was 1000 tons  
18       or whatever. You cannot take that as a constant yield every year. You have to treat it as an average. If you  
19       treat it as a constant yield, you can take 1000 tons out of a high stock, but you cannot take 1000 tons out of  
20       a low stock.

21          So in fact, treating it as a constant number year after year is a very dangerous thing to do.

22       (Inaudible). So you have to treat it as an average. So you basically have to take a constant percentage or

23       something approximating that out of the stock every year. So therefore, you are taking lower catches when



1 the stock is low, and higher catches when the stock is high. And you are fluctuating around.

2 Now you can in fact squeeze a little bit around the stock by taking 30 percent out of the stock when  
3 it was high, and 5 percent out of the stock when it was low. But then you are going to be all over the map.  
4 So even though you might have to squeeze a little bit more out, it is not necessarily a good strategy. It is  
5 not necessarily one that that industry usually wants.

6 MR. DUNNIGAN: We are past the time that we were going to wrap up this afternoon. Some of  
7 you have made other sorts of arrangements. Let me take a last comment from around the table, one last  
8 comment from round the table, Bob Hayes.

9 MR. HAYES: I have an agenda suggestion.

10 MR. DUNNIGAN: We will do that later.

11 A last comment on this issue.

12 A PARTICIPANT: As I understand it, the precautionary approach says for determining (inaudible),  
13 past available. And I am assuming that you have this past available. And I am assuming that there is some  
14 discretion in determining whether you go back 20 percent or 50 percent to determine over-fishing, and  
15 depending on what species you are talking about.

16 So what I would suggest that the National Fishery Service do is take the best science, and give us an  
17 estimate of what numerically over-fishing would be, and fill out your chart for each of the species we are  
18 talking about.

19 MR. DUNNIGAN: We are going to break off. Pete Jensen, we are over time.

20 MR. JENSEN: Really, on the same line as Bob was one. And what is when can the Fishery  
21 Service give us the score sheet so we can all put this in reality.

22 MR. DUNNIGAN: We will ask them that tonight, and report back in the morning.

23 MR. JENSEN: All right.

1 MR. DUNNIGAN: Time out.

2 (Whereupon, the meeting was adjourned.)

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